

State of West Virginia  
**WEST VIRGINIA STATE POLICE**  
Professional Standards Section

INVESTIGATION NUMBER <b>1A#17-70</b>	<b>REPORT OF INVESTIGATION OR INQUIRY</b>	DATE COMPLETED <b>February 14, 2018</b>
DATE OF ASSIGNED <b>November 28, 2017</b>	STATION <b>Moorefield/Petersburg</b>	COUNTY <b>Grant</b>
INITIAL OR SUPPLEMENTARY <b>Initial</b>	REPORT MADE BY <b>First Lieutenant K. M. Smouse</b>	STATUS OF INVESTIGATION <b>Complete</b>
SUBJECT OF INVESTIGATION <b>ALLEGATIONS OF MISCONDUCT BY EMPLOYEES OF THE WEST VIRGINIA STATE POLICE</b>		

NAME OF  
EMPLOYEE(S): Trooper First Class Newton E. Higginbotham  
West Virginia State Police  
Moorefield/Petersburg Detachment  
5153 US 220 South  
Moorefield, West Virginia 26836  
(304)538-2925

PROFESSIONAL

MAR 14 2018

STANDARDS

COMPLAINANT:

ALLEGATION(S): Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.3.20 a Group III Offense, the employee engaged in dishonest or immoral conduct that undermines the effectiveness of State Police activities or employee performance, whether on or off the job.

Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.3.23 a Group III Offense, the employee took any action, which impairs the efficiency and/or reputation of the State Police or its employees.

Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.3.33 a Group III Offense, the employee committed conduct unbecoming; misconduct of a substantial nature affecting the rights and interests of the public, or that casts aspersions or doubt upon a law enforcement officer's honesty and/or integrity and that directly affects the rights and interests of the public.

Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.3.19. The employee violated any law or engaged in criminal conduct on or off the job, except actions that are considered Group I or II offenses.

Violation of Title 81, Legislative Rule, West Virginia State Police 81CSR10.11.3.3.34. The employee interfered with the rights or property of others.

#### ACTION TAKEN:

On November 19, 2017, at 1544 hours, First Lieutenant K. M. Smouse, Troop 2 Inspector, hereafter referred to as this officer, received a telephone call from Captain E. D. Widmeyer, the Troop 2 Commander. Captain Widmeyer was calling to advise this officer of an investigation involving Trooper First Class N. E. Higginbotham, a member of the West Virginia State Police Moorefield/Petersburg Detachment.

According to Captain Widmeyer, he had been contacted by Special Agent David Rouser of the Federal Bureau of Investigation. Agent Rouser advised of a complaint made by a female, identified as \_\_\_\_\_, alleging nonconsensual sexual contact by a Law Enforcement Officer during a traffic stop near Petersburg, West Virginia. The Law Enforcement Officer was identified as Trooper First Class Higginbotham. \_\_\_\_\_ was alleging Trooper Higginbotham coerced her to remove her clothing and digitally penetrated her vagina. She indicated the alleged incident occurred during a traffic stop initiated by Trooper First Class Higginbotham on November 5, 2017, near Petersburg, West Virginia.

On November 27, 2017, at 1652 hours, this officer received a telephone call from Captain C. J. White, the Director of the West Virginia State Police Professional Standards Section. Captain White was calling to instruct this officer to perform this Internal Inquiry into the allegation of \_\_\_\_\_.

On November 28, 2017, at 0906 hours, this officer telephoned and spoke with Special Agent Rouser. Agent Rouser indicated he was in the Moorefield area to conduct interviews relative to the investigation. This officer then arranged to meet with Agent Rouser at the Romney Detachment to discuss the allegation and the status of the investigation.

At 1304 hours, the same date, this officer met with Agent Rouser in the conference room at the Romney Detachment. Agent Rouser then briefed this officer on the investigation.

According to Agent Rouser, on November 14, 2017, he received the allegation from Chief Deputy Steve Wratchford, of the Grant County Sheriff's Office. Agent Rouser indicated Deputy Wratchford advised he responded to the \_\_\_\_\_ the evening of November 5<sup>th</sup>, or morning of November 6<sup>th</sup>, to investigate an alleged sexual assault. Apparently, \_\_\_\_\_ had called Grant County 9-1-1 alleging she was sexually assaulted by Trooper First Class Higginbotham during a

traffic stop. Deputy Wratchford responded to the Hospital in the early morning hours of November 6th and obtained a statement from [redacted]. After taking the statement, Deputy Wratchford had [redacted] make two (2) recorded telephone calls to the Moorefield/Petersburg Detachment and speak with Trooper First Class Higginbotham. Although the calls were vague, it was determined some sort of sexual encounter had occurred between [redacted] and Trooper First Class Higginbotham. After performing his initial investigation, Deputy Wratchford elected to notify the Federal Bureau of Investigation of the incident.

Subsequent to meeting with Chief Deputy Wratchford, Agent Rouser interviewed

According to [redacted] she received a seatbelt citation from Trooper First Class Higginbotham in [redacted]. After this initial encounter Trooper First Class Higginbotham began to visit her place of employment, which she identified as the [redacted]. During the visits Trooper First Class Higginbotham would joke with [redacted] and her coworkers. On November 5th [redacted] traveled to her place of employment to work the four to eleven (4p.m.-11p.m.) shift. Upon her arrival, Trooper First Class Higginbotham arrived and parked in front of her vehicle. They had a conversation and another police vehicle stopped, and shortly thereafter both officers departed. Later in the evening, at the end of shift, Trooper First Class Higginbotham came to the [redacted] and spoke with [redacted] about some type of traffic stop. Apparently he was fantasizing about initiating a traffic stop on Ms. [redacted] while she was naked, and pulling her over and searching her. Ms. [redacted] finished her shift and departed her place of employment around 2330 hours. She was driving toward her residence and noticed a police cruiser following her. [redacted] became nervous and telephoned her boyfriend. Near the Petersburg Oil Company the cruiser's emergency lights were activated and [redacted] pulled to the side of the road near the D&D Detailing business. Trooper First Class Higginbotham approached her vehicle and asked her for driver's license. [redacted] alleged Trooper First Class Higginbotham advised her to be naked when he returned to her car. Ms. [redacted] advised she pulled her pants down to her ankles. Upon returning to her car, Ms. [redacted] advised Trooper First Class Higginbotham reached in her vehicle and took her cellular phone and viewed her photographs and videos. Trooper First Class Higginbotham then [redacted]. At some point Ms. [redacted] boyfriend drove by. The encounter ended and Trooper First Class Higginbotham asked her what she was going to tell her boyfriend, she indicated that she was going to say it was an routine traffic stop. Afterwards she traveled to her boyfriend's house and told her boyfriend she was sexually assaulted and called 9-1-1. Ms. [redacted] then traveled to [redacted] and was met by Chief Deputy Wratchford.

Agent Rouser inquired why she didn't tell Trooper First Class Higginbotham to "pound sand" and she indicated she was [redacted] and felt obligated to do what the Trooper demanded.

Agent Rouser advised he did not believe Ms. [redacted] was being "one-hundred percent truthful." He further indicted the tone of the recorded telephone calls was as if she was at ease, and almost like she had talked about meeting Trooper First Class Higginbotham at the Detachment prior to the telephone calls. Agent Rouser explained although there were inconsistencies in Ms. [redacted] story, the crux of what Ms. [redacted] advised were similar to the crux of what Trooper First Class Higginbotham advised. He indicated it was the fine details that differed, and he was inclined to assign more weight to Trooper First Class Higginbotham's version of what actually transpired.

On November 17, 2017, Agent Rouser interviewed Trooper First Class Higginbotham at the Moorefield/Petersburg Detachment. Trooper Higginbotham was asked about his contact with Ms. [redacted]. Trooper Higginbotham advised he had written Ms. [redacted] a traffic citation for No Seatbelt and also responded to a Domestic altercation at her residence in [redacted]. He further advised he may have messaged her on Facebook, and sent her text messages in regards to obtaining a statement from her relative to the Domestic incident. Agent Rouser then informed him of the two (2) recorded telephone calls placed to the Detachment, at which time Trooper First Class Higginbotham advised of the traffic stop on November 5th.

According to Trooper First Class Higginbotham, the night of November 5th he was at Ms. [redacted] place of employment, the [redacted] in Petersburg. He advised he and Ms. [redacted] were conversing and joking around, and she asked what he was doing that evening. Trooper Higginbotham advised he was out looking for a DUI. Ms. [redacted] replied "I used to be a stripper. You pull me over and we'll have some fun." Later in the evening Trooper First Class Higginbotham executed a traffic stop on Ms. [redacted] for traveling left of center. He advised he did not call the stop in to Romney Communications, nor did he run her driver's license. Trooper First Class Higginbotham advised when he approached the car Ms. [redacted] was removing her clothes. He advised her to leave her shirt on. She then started touching herself and Trooper First Class Higginbotham asked her if she liked touching herself. Ms. [redacted] then produced her cellular telephone and showed him a video of [redacted] Ms. [redacted] then took his hand and pulled it [redacted]. Trooper First Class Higginbotham then [redacted]. Trooper First Class Higginbotham advised he [redacted] for thirty to forty-five (30-45) seconds, and then Ms. [redacted] advised she had to meet someone. At that point a car came by and she said they would continue the encounter later. They both then departed the location of the traffic stop.

Agent Rouser inquired if the sexual content was consensual; Trooper First Class Higginbotham advised Ms. [redacted] was a "willing participant" and "she encouraged it."

Agent Rouser then spoke about the two (2) recorded telephone calls between Ms. [redacted] and Trooper First Class Higginbotham. He advised both Ms. [redacted] and Trooper First Class Higginbotham sound friendly, not as a typical rape victim would converse with the suspect. Agent Rouser explained on one of the calls Ms. [redacted]



indicated she just got out of the shower. Agent Rouser inquired why Ms. [redacted] said that; she replied "I was just trying to act normal, and that's what I was coached to do." This is significant because Ms. [redacted] claims Deputy Wratford told her to make the telephone calls and told her what to say. Agent Rouser indicated the conversation in the calls basically indicate Trooper First Class Higginbotham was attempting to arrange for Ms. [redacted] to meet him at the Detachment. He explained the conversation was encrypted and they talk about Ms. [redacted] coming to the Detachment to provide a statement or file a report. Agent Rouser also advised in one of the calls Trooper First Class Higginbotham states "remember that thing in the video you showed me?" and he asks her to bring that with her. Agent Rouser believed that statement to be significant because Trooper First Class Higginbotham said "that you showed me" which would refute the allegation that Trooper First Class Higginbotham took her phone and viewed the video as Ms. [redacted] alleged. Agent Rouser indicated the calls were "damning" because it showed Trooper First Class Higginbotham had sexual contact with Ms. [redacted] however, nothing in the calls indicated nonconsensual contact. He indicted Ms. [redacted] tone indicated she seemed "comfortable" participating in the conversation.

Agent Rouser indicated he had interviewed the boyfriend, [redacted] but nothing extremely relevant was obtained. Mr. [redacted] could verify the traffic stop, driving by the stop, and later learning of the alleged sexual assault. Mr. [redacted] was aware of Ms. [redacted] alleging to be sexually assault, but was unaware of the details of the alleged assault.

Agent Rouser also interviewed a coworker of Ms. [redacted] a female he identified as [redacted]. He indicated Ms. [redacted] could attest to Trooper First Class Higginbotham visiting the store and speaking with Ms. [redacted] on previous dates. According to Ms. [redacted] the conversations were mutual in nature. Ms. [redacted] further advised the night of November 5<sup>th</sup> Ms. [redacted] seemed "nervous" when Trooper First Class Higginbotham visited the establishment. She also advised she spoke with Ms. [redacted] after the alleged sexual assault and she specifically remembers Ms. [redacted] claiming Trooper First Class Higginbotham made her walk back to his cruiser naked. Agent Rouser indicated that statement contradicted the description of the incident as previously described by Ms. [redacted].

Agent Rouser concluded by advising "Newton (Trooper First Class Higginbotham) screwed up", but he believed the information indicates the sexual contact was consensual. Agent Rouser informed this officer he would need to compile a FD-71 to document the "complaint" and forward the report to the DOJ Civil Rights Division for review, but he did not believe the complaint was a Federal Criminal Civil Rights Violation.

On November 29, 2017, at 0804 hours, this officer met with Romney Communications Supervisor Brian M. Boley. This officer request Mr. Boley to perform an OLN Inquiry, and III Inquiry on Ms. [redacted]. It was determined Ms. [redacted] had a valid West Virginia Operator's License. It was also determined Ms. [redacted] had a Criminal History. The NCIC Interstate Identification Index, III,

indicated Ms. [redacted] AKA [redacted] was a [redacted] and served time in [redacted] for [redacted] and [redacted]. The III and OLN Inquiry are listed as Exhibit #1 herein, and are attached to this report.

This officer further requested Mr. Boley search the Romney Communications CAD Server database for any record documenting any officer's contact with Ms. [redacted].

Mr. Boley provided this officer with two (2) Calls For Service CAD Reports documenting officer contacts with Ms. [redacted]. The first documented contact involved Trooper First Class Higginbotham speaking with Ms. [redacted] via telephone, in regards to a report of Child Abuse on [redacted]. It appears Trooper First Class Higginbotham checked on the welfare of the involved children at a residence on [redacted] in Moorefield, and later may have reported the matter to Child Protective Services. The second CAD Report documented a reported Domestic Violence call for service involving Ms. [redacted]. The matter was investigated by Sergeant W. M. Roden and Trooper First Class E. V. Vaubel on [redacted]. According to Mr. Boley, there were no other CAD Reports associated with Ms. [redacted]. This officer later had Mr. Boley print the CAD Reports relative to this Inquiry. The two (2) CAD Call For Service Reports are listed as Exhibit #2 herein, and are attached to this report.

The same morning, this officer telephoned the Moorefield/Petersburg Detachment and spoke with Secretary A. L. Rohrbaugh. This officer was requesting Ms. Rohrbaugh search the 2017 Uniform Traffic Citation file and locate a Traffic Citation issued to Ms. [redacted] by Trooper First Class Higginbotham. Ms. Rohrbaugh located State of West Virginia Uniform Traffic Citation [redacted] issued to Ms. [redacted] on [redacted] by Trooper First Class Higginbotham. The violation was identified as No Seatbelt. This officer later received a copy of the citation, which is listed as Exhibit #3 herein, and is attached to this Inquiry.

After learning the date of the initial Traffic Citation, this officer instructed Mr. Boley to print the CAD Unit Activity Log of Trooper First Class Higginbotham for the dates of [redacted] and November 5<sup>th</sup>. The Activity Log dated [redacted] indicates Trooper First Class Higginbotham was actively performing road patrol in Petersburg. The report further indicates he cleared a traffic stop at [redacted] which was likely the traffic stop of Ms. [redacted]. The Unit Activity Log for November 5, 2017, ends with a Juvenile complaint at 1837 hours. There is no other activity noted for that date, and no record of Trooper First Class Higginbotham initiating the traffic stop resulting in this Inquiry. The Unit Activity Logs of Trooper First Class Higginbotham for [redacted] and November 5, 2017, are listed as Exhibit #4 herein, and are attached to this Inquiry.

This officer inquired if Mr. Boley could determine if any officer had requested a Criminal History (III) or Driver's History on Ms. [redacted] during the past year. Mr. Boley indicated he would send an email requesting the information from the West Virginia State Police Communications Coordinator.

On November 30, 2017, at 0820 hours, this officer met with Mr. Boley at the Romney Communications Center. Mr. Boley indicated he had received the information regarding Ms. [redacted] Driver's License and III request. Mr. Boley then provided this officer with the requested information. This officer reviewed the documentation and observed Trooper First Class Higginbotham had requested a Driver's License and III, Criminal History Inquiry, on Ms. [redacted] on

The information indicated Trooper First Class Higginbotham first requested the Driver's Inquiry, and then requested a Criminal History Inquiry on Ms. [redacted]. The documentation pertaining to the III and Driver's Inquiry performed on Ms. [redacted] is listed as Exhibit #5 herein, and is attached to this report.

At 1040 hours, the same date, this officer telephoned and spoke with the Grant County Sheriff's Office Chief Deputy, Deputy Steven L. Wratchford. Deputy Wratchford confirmed he had taken Ms. [redacted] initial complaint and forwarded the complaint to the FBI. He identified the complainant as Ms. [redacted] and the alleged suspect as Trooper First Class Higginbotham. He indicated the complaint originally was reported as a "rape," but after some investigation he determined it was an alleged sexual assault. Deputy Wratchford advised Ms. [redacted] began alleging her civil rights were violated, at which time he forwarded the allegation to the FBI.

Deputy Wratchford advised he had interviewed and received a written statement from Ms. [redacted], as well as the initial 9-1-1 call placed by Ms. [redacted]. Deputy Wratchford agreed to meet with this officer the next morning to provide any information relative to this Inquiry. He further advised there could be other potential complainants coming forward.

At 1134 hours, the same date, this officer telephoned and spoke with Ms. [redacted]. This officer informed Ms. [redacted] that an administrative investigation was being conducted in regards to her allegations involving Trooper First Class Higginbotham and requested to meet with her to discuss the matter. Ms. [redacted] agreed to meet with this officer at the Grant County Sheriff's Office, December 1, 2017, at 1300 hours.

This officer asked Ms. [redacted] if she was able to provide a brief description of the allegation and she agreed. Ms. [redacted] advised of receiving a traffic citation about [redacted] from Trooper First Class Higginbotham. She indicated after that, she believed Trooper First Class Higginbotham "kind of followed me (her) around" and began to visit her at her place of employment. She advised the day of the incident, when she arrived at work Trooper First Class Higginbotham parked in front of her, and waved her over to his car. Ms. [redacted] advised they had a conversation about how she was doing, and then he left. She advised at 11:30 or 11:45 p.m. when she was leaving work, she noticed a State Police Cruiser in the parking lot where the employees park. Ms. [redacted] advised when she was leaving she spoke to Trooper First Class Higginbotham. She advised initially it seemed like "harmless flirting", but when she departed work she noticed Trooper First Class Higginbotham was following her. According to Ms. [redacted] she called her

boyfriend and advised she felt "something weird, something strange is going on", so she asked her boyfriend to meet her at the "Twin Bridges." Ms. [redacted] advised Trooper First Class Higginbotham "flipped his lights on" and pulled her over near D&D Detailing. She advised Trooper First Class Higginbotham approached her and said "give me your license; I want to make this look legit." And he said "whenever I come back, have your clothes off." She advised at first she didn't take her clothes off, because she wasn't sure if he was "serious", but when he came back up to the car he told her to again to remove her clothing. Ms. [redacted] advised she took everything off except for her bra. She advised Trooper First Class Higginbotham stood there staring at her for a minute and "looked me (her) up and down" and then [redacted]. She advised he stopped and asked her why she was nervous, and then did it again. She advised each time the act lasted less than sixty (60) seconds. Ms. [redacted] advised her boyfriend drove past because she didn't show up at Twin Bridges, and Trooper First Class Higginbotham advised her to "hurry up and get dressed before he comes back." She advised Trooper First Class Higginbotham then asked her to meet him at the "bunker room" at the State Police Barracks, but she told him she couldn't because she had to go get her kids. He then got in his vehicle "like it was nothing." Ms. [redacted] advised after the incident she reported the matter to Grant Communications and spoke to "Stevie Wratford." This officer inquired if Ms. [redacted] had any previous relationship with Trooper First Class Higginbotham, which she denied.

This officer recorded the telephone call with Ms. [redacted] and later copied the telephone call to a CD-R. The CD-R containing the telephone conversation of this officer and [redacted] is listed as Exhibit #6 herein, and is attached to this Inquiry.

At 1410 hours, the same date, this officer received a telephone call from Agent Rouser. Agent Rouser advised he was calling to inform this officer he had reviewed the casefile with his supervisor and the matter was determined to be an "Internal Ethical Matter." He explained there was no responsible avenue for charging Trooper First Class Higginbotham with a Civil Rights Violation. Agent Rouser explained his investigation determined there were two (2) accounts of the alleged incident; Ms. [redacted] recollection of the incident, and Trooper First Class Higginbotham's recollection of the incident. Agent Rouser advised there was no doubt a sexual encounter occurred between the two; however, there was no evidence to prove coercion was utilized by Trooper First Class Higginbotham to engage in sexual contact with Ms. [redacted]. Agent Rouser further advised it was determined he would not be permitted to "share" the information he gathered for his report, but he would answer any questions this officer had and he would continue to communicate with this officer regarding the investigation.

At 1705 hours, Captain Widmeyer served Trooper First Class Higginbotham with Special Order Number 532, which placed him on Administrative Leave pending the outcome of this Inquiry.

On December 1, 2017, at 1012 hours, Chief Deputy Wratchford met with this officer at the Romney Detachment. Deputy Wratchford then explained how he became aware of Ms. [redacted] allegation, as well as his involvement in the investigation.

According to Deputy Wratchford, on November 6, 2017, at 0109 hours, he received a telephone call from Grant County 9-1-1 in regards to a night-call. He advised a female, later identified as Ms. [redacted] was on the line advising Grant Communications she was raped by a law enforcement officer, later identified as Trooper First Class Higginbotham. According to Deputy Wratchford, the female alleged her shirt was ripped, and she was unaware if the officer "finished", which led him to believe sexual intercourse had occurred. According to Deputy Wratchford, he told Grant Communications to advise the female to go to [redacted] for a rape kit, and he would meet her there.

Deputy Wratchford advised he arrived at [redacted] prior to Ms. [redacted] therefore, he observed Ms. [redacted] as she entered [redacted] According to Deputy Wratchford, Ms. [redacted] appeared "distracted", but her shirt wasn't ripped. He then spoke with Ms. [redacted] and obtained an eleven (11) page statement regarding the incident.

Deputy Wratchford indicated he asked Ms. [redacted] what transpired; and she replied Trooper First Class Higginbotham had "raped" her. He inquired when the alleged rape occurred, and she replied after she got off work at 2320 hours. Deputy Wratchford asked why it took until 0109 hours for her to report the alleged rape; she replied she had traveled to her boyfriend's house, then her grandparent's house (where she resides), and she told them about the rape. Then, she advised "they" called 9-1-1. Deputy Wratchford indicated Ms. [redacted] traveled to [redacted] with her ex-husband, [redacted] not her boyfriend. He asked where the boyfriend was; she replied "he was at home." She further alleged Trooper First Class Higginbotham had been at her workplace "numerous times" over the past half-month period, and he had been at her workplace "numerous times" the night of the alleged incident. According to Deputy Wratchford, Ms. [redacted] thought Trooper First Class Higginbotham was "stalking her", although she never reported it to anyone.

Deputy Wratchford then explained the information contained in Ms. [redacted] eleven (11) page statement. He later provided this officer with a copy of Ms. [redacted] statement. The information contained within the statement is consistent with the information provided to Agent Rouser and detailed earlier within this Inquiry. The eleven (11) page statement of [redacted] taken by Chief Deputy Steven L. Wratchford on November 6, 2017, is listed as Exhibit #7 herein, and is attached to this report.

Deputy Wratchford advised he interviewed the boyfriend, [redacted] before he turned the investigation over to the FBI. According to Deputy Wratchford, Mr. [redacted] "didn't see anything." Mr. [redacted] did advise Ms. [redacted] was beginning to become "uncomfortable" with Trooper First Class Higginbotham visiting her



workplace and speaking with her. Mr. [redacted] advised he received a text, and later a call from Ms. [redacted] about the matter. As a result, Mr. [redacted] agreed to meet with Ms. [redacted] at "Twin Bridges" the night of the alleged incident after her work shift. He advised when she didn't show, he drove and saw a Trooper had Ms. [redacted] pulled over. According to Deputy Wratchford, Mr. [redacted] advised the Trooper was at the driver's window of the vehicle, outside the car with the door closed, and it didn't appear anything inappropriate was transpiring; therefore, Mr. [redacted] drove to Petersburg Oil, sat for a few minutes, and then turned to head back to the traffic stop. As Mr. [redacted] began to pull out of Petersburg Oil, the Trooper's cruiser passed him headed to Petersburg. Deputy Wratchford provided this officer with a two (2) page statement provided by [redacted] on November 9, 2017. The statement of Mr. [redacted] is attached to this Inquiry.

Deputy Wratchford described some inconsistencies he noted in Ms. [redacted] allegation. According to Deputy Wratchford, Ms. [redacted] advised 9-1-1 that her shirt was ripped during the alleged rape. He explained there was no sexual intercourse, as she led 9-1-1 to believe, and in her statement to him, she advised she removed her own clothes when Trooper Higginbotham went back to his cruiser. He further explained he asked Ms. [redacted] why she complied with the Trooper when she could have called 9-1-1 or drove off; she replied that she was on [redacted] and felt obligated to comply. Deputy Wratchford also advised he was aware of Ms. [redacted] past because she was [redacted] and he was aware she was [redacted]

Deputy Wratchford explained he told Ms. [redacted] to record or save any messages if Trooper First Class Higginbotham contacted her, but not to contact him. He explained she later supplied him with two (2) recorded telephone calls. Deputy Wratchford indicated the calls were initiated by Trooper First Class Higginbotham and he basically was telling her to come by the barracks and they could finish what they started. He also told Ms. [redacted] to bring that "thing" that you were using in the video on your cell phone. Deputy Wratchford advised he gave the recordings to the FBI; however, he believed he may have a copy in his email.

This officer inquired if Deputy Wratchford asked Ms. [redacted] to contact Trooper First Class Higginbotham; he replied "no, I would never have a victim contact the perpetrator." Deputy Wratchford also advised he did not script or coach Ms. [redacted] on what to say, as she had told Agent Rouser.

Deputy Wratchford indicated some rumors were circulating in the community about additional complaints, but no one has come forward to file any type of complaint or identify themselves as a potential victim. This officer gave Deputy Wratchford several business cards with this officer's contact information in case anyone wished to offer any information relative to this Inquiry.

Prior to departing the Romney Detachment, Deputy Wratchford provided this officer with a three (3) page CAD Detail, which he advised documented Ms. [redacted] 9-1-1 call reporting the "rape." The three (3) page CAD Detail, bearing Incident [redacted] documenting the information Ms. [redacted] provided to [redacted]

Grant County 9-1-1 the night of the alleged incident is listed as Exhibit #8 herein, and is attached to this Inquiry.

After speaking with Deputy Wratchford, this officer telephoned Ms. [redacted] to confirm she would be present for the scheduled interview. Ms. [redacted] did not answer her telephone, so this officer left a voice message confirming the scheduled interview.

At 1257 hours, this officer arrived at the Grant County Sheriff's Office for the scheduled interview with Ms. [redacted]. This officer was met by Deputy Wratchford and escorted to an interview room within the Grant County Sheriff's Office.

At 1309 hours, Deputy Wratchford supplied this officer with a CD-R documenting Ms. [redacted] 9-1-1 call reporting the alleged rape. The CD-R documenting Ms. [redacted] 9-1-1 call is listed as Exhibit #9 herein, and is attached to this Inquiry.

At 1325 hours, this officer telephoned Ms. [redacted] cellular phone in an attempt to determine if she was en route to the scheduled interview. There was no answer; therefore, this officer left a voice message requesting a return telephone call. This officer also telephoned the residence of Ms. [redacted] which resulted in negative contact.

At 1359 hours, this officer along Deputy Wratchford traveled to [redacted] West Virginia, which is the location where Ms. [redacted] resides. There were no vehicles at the residence, nor did anyone answer the door. This officer left a business card and a note requesting a call from Ms. [redacted].

After traveling to the [redacted] residence, this officer and Deputy Wratchford traveled back to the Grant County Sheriff's Office. This officer spoke with Deputy Wratchford about Ms. [redacted] and learned she had previously made some type of sexual assault allegation involving an [redacted] from Moorefield, whom Deputy Wratchford identified as [redacted]. According to Deputy Wratchford, Ms. [redacted] had alleged that her [redacted] used his position to coerce her into having a sexual relationship with him. Deputy Wratchford indicated the allegation was made to Ms. [redacted]. Deputy Wratchford advised the allegations were determined to be unfounded. He further advised he believed Corporal C. S. Hartman was familiar with the allegations.

On December 4, 2017, at 1048 hours, this officer telephoned Ms. [redacted] via her cellular phone and home phone. There was no answer at either number and there was no means of leaving a voice message.

On December 5, 2017, at 1455 hours, this officer again telephoned Ms. [redacted] with negative results.

At 1506 hours, this officer telephoned and spoke with Trooper First Class Higginbotham in regards to scheduling an interview relative to this Inquiry.

Trooper First Class Higginbotham agreed to meet with this officer the following morning at the Moorefield/Petersburg Detachment.

On December 6, 2017, at 0816 hours, this officer arrived at the Moorefield/Petersburg Detachment.

At 1025 hours, the same date, this officer conducted an interview with Trooper First Class N. E. Higginbotham relative to this Inquiry. The interview was documented with a digital voice recorder and later copied to a CD-R, which is listed as Exhibit #10 herein, and is attached to this Inquiry.

This officer confirmed Trooper First Class Higginbotham was aware of this Inquiry and then advised him of the West Virginia State Police Administrative Warning, via DPS Form 173. Trooper First Class Higginbotham acknowledged the Administrative Warning and placed his signature on the WVSP Form 173 indicating he understood the Administrative Warning. The WVSP Form 173, West Virginia State Police Administrative Warning, bearing the signature of Trooper First Class N. E. Higginbotham is listed as Exhibit #11 herein, and is attached to this Inquiry.

This officer informed Trooper First Class Higginbotham of the Administrative Allegations and asked him to explain how he was familiar with [redacted]. According to Trooper First Class Higginbotham, he became familiar with Ms. [redacted] in early [redacted] through her place of employment, which is the [redacted]. He advised he would get fuel, coffee, or tobacco at [redacted] and have conversations with Ms. [redacted]. Trooper First Class Higginbotham advised he also responded to a Domestic Altercation at her grandparent's residence, on [redacted] where Ms. [redacted] was residing.

This officer produced a CAD Report dated [redacted] listed as Exhibit #2, indicating Trooper First Class Higginbotham spoke with Ms. [redacted] via the telephone. According to Trooper First Class Higginbotham, he recalled speaking with a female regarding child welfare concerns, but was unaware of the female's identity.

This officer produced a copy of the Traffic Citation, listed as Exhibit #3, issued to [redacted] by Trooper First Class Higginbotham on [redacted]. Trooper First Class Higginbotham agreed it appeared he issued the citation, but he did not recall the specific traffic stop resulting in the citation.

This officer informed Trooper First Class Higginbotham that documentation was obtained indicating that he had requested a Driver's Inquiry and III on Ms. [redacted] on [redacted] and asked him to explain why. Trooper First Class Higginbotham indicated it was likely he generated the request as a result of the traffic stop. Trooper First Class Higginbotham was asked if he requested the information for his own personal knowledge or benefit; he replied "No sir."

This officer inquired how often Trooper First Class Higginbotham would visit Ms. [redacted] employment. He indicated he regularly obtained fuel there, but would guess it was two to three (2-3) times in a two week timeframe. Trooper First Class Higginbotham denied visiting [redacted] weekly, but acknowledged it was frequent enough that he and Ms. [redacted] knew each other and spoke during his visits. This officer inquired if the conversations appeared flirtatious; he explained the encounters and advised "yes, some of the stuff kind of seemed flirty" but not all the time. This officer inquired if his comments could be considered flirtatious; he replied "not at the gas station, no sir."

This officer asked Trooper First Class Higginbotham to describe the first encounter he had with Ms. [redacted] on November 5<sup>th</sup>. He began to describe a conversation they had when [redacted] was closing and Ms. [redacted] was preparing to leave from work. This officer informed Trooper First Class Higginbotham that Ms. [redacted] indicated he came to [redacted] as she was arriving to work. He then recalled speaking with her as she arrived for work. Trooper First Class Higginbotham indicated he stopped to inquire if Ms. [redacted] had any other problems regarding the previous domestic altercation she had with her grandparents.

This officer asked if Trooper First Class Higginbotham visited [redacted] after the initial contact and prior to the end of Ms. [redacted] shift; he replied "I don't believe I did sir, not that I recall."

This officer asked Trooper First Class Higginbotham to describe the contact he had with Ms. [redacted] as she was preparing to leave her workplace. He indicated as he was driving by, he observed Ms. [redacted] and another employee walking back from the dumpster and he stopped. Trooper First Class Higginbotham indicated he and Ms. [redacted] first spoke about the prior domestic altercation and then began to have "general conversation." Trooper First Class Higginbotham advised he told Ms. [redacted] he was out looking for a DUI and she said "well if you pull me over it will be fun." According to Trooper First Class Higginbotham Ms. [redacted] advised she used to be a "stripper" and if he pulled her over "it would be crazy and you (he) would enjoy it."

This officer inquired if Trooper First Class Higginbotham was waiting for Ms. [redacted] to leave her workplace, which he denied.

According to Trooper First Class Higginbotham, after speaking with Ms. [redacted] he departed [redacted] and went to a parking area, believed to be near the Petersburg Fire Hall. He advised when he observed Ms. [redacted] vehicle pass by he decided to "go mess with her" or "go joke with her." Trooper Higginbotham advised Ms. [redacted] turned down South Mill Creek road and he followed. He advised when they crested the hill near Petersburg Oil, Ms. [redacted] crossed the center-line and he activated his blue lights and pulled her over. Trooper First Class Higginbotham advised he approached Ms. [redacted] and asked for her driver's license and registration and she advised "let's have fun" and she started to take her shirt off. According to Trooper First Class Higginbotham, he advised "not here." He

advised he took her driver's license back to his cruiser, but he didn't call in the traffic stop or run the driver's license. He advised when he returned to Ms.

vehicle she began to unbutton her pants. Trooper First Class Higginbotham advised Ms.

then took his hand and began and he said "not right here." He advised Ms.

and

for less than a minute. According to Trooper First Class Higginbotham, he stopped and again indicated "not here" and they agreed to "finish this some other time." He advised he indicated "that could be fun" at which time Ms.

showed him a video on her cell phone depicting Ms. According to Trooper Higginbotham, Ms. advised if they met up again she would and they "would have a lot of fun." He advised he then departed the traffic stop and headed toward Petersburg and he believed Ms. traveled toward

This officer inquired why Trooper Higginbotham didn't call in the traffic stop; he indicated it was because he "just went along with it, not using his brain correctly." After further questioning, Trooper First Class Higginbotham admitted to following Ms. and not calling in the traffic stop because he believed something inappropriate may transpire. He indicated he was "just going to play this off like it wasn't really a traffic stop" and just "move on."

This officer inquired if Trooper First Class Higginbotham directed Ms. to move her vehicle, or if he entered her vehicle; he replied "no sir."

This officer inquired if Trooper Higginbotham directed Ms. to take her clothes off; he replied "no sir."

This officer inquired if Trooper First Class Higginbotham he replied, "I think I did for a few seconds, yes sir." This officer also confirmed Trooper First Class Higginbotham voluntarily

This officer inquired if Trooper First Class Higginbotham took Ms. cell phone; he replied "no she showed it to me." However, he indicated he did have the cell phone in his hand while he watched the video.

This officer inquired if there was any additional sexual contact, or if Ms. touched him in a sexual manner; he replied "no sir."

This officer inquired about other traffic; Trooper Higginbotham advised he recalled two (2) cars going by the traffic stop. This officer inquired if he recognized either of the vehicles, he replied no. He further advised Ms. told the FBI one of the vehicles was driven by her boyfriend, but he did not recall Ms. relaying that information to him during the traffic stop.



This officer inquired why, and how, the traffic stop ended; Trooper First Class Higginbotham advised he told Ms. [redacted] if she wished to continue the interaction "we'll meet at another time." He advised Ms. [redacted] said "great. I'll get in touch with you." Trooper First Class Higginbotham advised he went one direction and Ms. [redacted] went the other.

According to Trooper First Class Higginbotham, at work the next evening, or the evening after, he received a Facebook message from Ms. [redacted] inquiring, "what our plans are". He indicated he asked for her cell phone number and then called her. Trooper First Class Higginbotham then inquired if Ms. [redacted] "wanted to come in and give a statement." She replied "yeah." He then indicated if he wasn't busy they could "meet up" later, and he advised he would call her back. Trooper First Class Higginbotham later called Ms. [redacted] and asked what she was doing. He advised Ms. [redacted] said she "just got out of the shower, you tell me." He then made arrangements to meet with Ms. [redacted] at the Detachment and advised her to "bring what you showed me in the video." Trooper First Class Higginbotham advised that was the last contact he had with Ms. [redacted]. This officer inquired if he learned the telephone calls were recorded. Trooper First Class Higginbotham advised he learned the calls were recorded when he was confronted by the FBI, and he was permitted to listen to both telephone calls. Trooper First Class Higginbotham acknowledged the calls were in regard to arranging a sexual encounter at the Detachment, not for Ms. [redacted] to "give a statement."

Trooper First Class Higginbotham advised Ms. [redacted] did not show up as they planned and he attempted to contact her after that evening. This officer inquired how many times he attempted to make contact with Ms. [redacted] he advised "five to eight (5-8)." He advised Ms. [redacted] did not answer his calls, or call him back. Trooper First Class Higginbotham further advised he may have left one (1) voicemail message on Ms. [redacted] phone, but he has not spoken with her or heard from her since they had the two (2) recorded phone conversations.

This officer asked Trooper First Class Higginbotham to describe Ms. [redacted] demeanor during the traffic stop; he advised she was "very flirtatious" and encouraged the interaction. According to Trooper First Class Higginbotham, Ms. [redacted] enjoyed the sexual contact. This officer inquired how long the contact transpired; he advised "less than a minute." This officer inquired how long the traffic stop lasted; he advised "maybe five (5) minutes."

This officer inquired if Ms. [redacted] ever said anything indicating she did not wish to participate in the sexual contact; Trooper Higginbotham replied "no sir." This officer asked if Trooper First Class Higginbotham ever said anything to Ms. [redacted] indicating she needed to comply with the incident; he replied "no sir." This officer also asked if Trooper First Class Higginbotham felt he used his authority to coerce Ms. [redacted] comply with the contact; he replied "no sir."

The two (2) telephone calls made by Trooper First Class Higginbotham to, and recorded by Ms. [redacted] were provided to the FBI by Chief Deputy Wratchford. This officer later received a copy of the recorded telephone calls from Chief

Deputy Wratford. This officer listened to the telephone calls. The calls appear to have been initiated by Trooper First Class Higginbotham to Ms. It further appears both voices on the phone seem at ease as they attempt to arrange a meeting. As advised by Trooper First Class Higginbotham, the meeting was intended to be a sexual encounter. The telephone calls were copied to a CD-R and are listed as Exhibit #12 herein, and are attached to this report.

At 1204 hours, the same date, this officer arrived at the Hardy County Court House and met with

This officer explained the need to interview Ms. in regards to an investigation. attempted to telephone Ms. which resulted in negative contact. He agreed to further contact Ms. and direct her to contact this officer.

Later the same afternoon, this officer received a telephone call from Ms. She advised she had been recovering from the flu and was unavailable. Ms. indicated she would be available to meet with this officer on December 11, 2017, to participate in an interview relative to this Inquiry. This officer arranged to meet with Ms. at the Grant County Sheriff's Office on said date, at 1000 hours.

On December 11, 2017, at 0930 hours, this officer arrived at the Grant County Sheriff's Office. This officer was met by Deputy Wratford and escorted to an interview room. A short time later, Ms. arrived.

At 0958 hours, the same date, this officer conducted an interview with relative to this Inquiry. The interview was documented with a digital voice recorder and later copied to a CD-R, which is listed as Exhibit #13 herein, and is attached to this Inquiry.

This officer informed Ms. the importance of being honest during the interview and advised her of the consequences of being dishonest. Ms. indicated she understood and agreed the allegations were serious in nature.

This officer affirmed the allegations involved sexual contact and asked Ms. if the sexual contact was consensual or nonconsensual; she replied "nonconsensual." Ms. identified the officer involved as Trooper First Class Higginbotham. She then explained how she knew Trooper First Class Higginbotham.

According to Ms. [redacted] she began working at the [redacted] approximately [redacted]. She indicated one evening, as she was traveling to work, she was stopped and received a traffic citation from Trooper First Class Higginbotham for No Seatbelt. This officer produced a copy of the citation, previously identified as Exhibit #3, dated [redacted] Ms. [redacted] confirmed that was the citation she received from the Trooper. This officer inquired if Trooper First Class Higginbotham responded to her residence for a Domestic related crime; she advised it was possible. She then explained the police were called to her residence regarding an argument she had with her grandparents, but she was unable to positively identify Trooper First Class Higginbotham as one of the responding officers.

Ms. [redacted] advised after receiving the traffic citation, Trooper First Class Higginbotham began to frequent her place of employment. She indicated Trooper First Class Higginbotham visited [redacted] when she was working about "four (4) or five (5) times" after [redacted]. She advised during the visits, Trooper First Class Higginbotham was pleasant and would converse with her and the other employees.

Ms. [redacted] indicated on November 5<sup>th</sup> Trooper Higginbotham made her feel uncomfortable. She described her initial contact with Trooper First Class Higginbotham as she arrived at her workplace, which made it appear that he followed her to work. Ms. [redacted] advised Trooper First Class Higginbotham motioned her over to his cruiser, which made her feel "uneasy and embarrassed." She advised they had a brief conversation about work and she then went inside the [redacted]. Ms. [redacted] advised she saw the State Police cruiser driving past the store a few times during her shift, which she indicated was not unusual. She advised Trooper First Class Higginbotham did not visit [redacted] during her shift. However, at approximately 2330 hours, Ms. [redacted] saw headlights from a vehicle parked near her vehicle in the employee parking area. She indicated at first she thought her co-worker, [redacted] had went outside and started her vehicle because it was cold that evening, but she and [redacted] noticed the State Police emblem on the front of the vehicle. Ms. [redacted] indicated it was then she began to feel "something's weird about the situation."

Ms. [redacted] advised at the end of her work shift, she walked out to her vehicle with her co-worker, [redacted]. She advised [redacted] got in her truck and waited before leaving, because [redacted] knew she was feeling "uneasy." Ms. [redacted] indicated she and Trooper First Class Higginbotham had a conversation. She indicated Trooper First Class Higginbotham was talking about the State Police, and mentioned the Department was trying to get a grant to get "bodycams and cameras in the cars." She indicated the conversation appeared "fine" and she was actually "relieved." However, she advised after her friend [redacted] departed, the conversation changed. She advised Trooper First Class Higginbotham then became "perverted." He advised it would be "cool" if he "pulled someone over and they took their clothes off." She indicated the conversation began to concern her, so she said she had to leave to pick up her kids.

According to Ms. Trooper First Class Higginbotham then departed and parked by the Fire Hall. She advised she departed and did not take her normal route of travel to create a "diversion." Ms. indicated Trooper First Class Higginbotham began to follow her, so she called her boyfriend, identified as

She then described the events surrounding the traffic stop. She indicated Trooper First Class Higginbotham coerced her to remove her clothing and then The description Ms. provided was consistent with the information she previously relayed to Agent Rouser, as well as the information she provided this officer in the recorded telephone call on November 30, 2017, listed as Exhibit #6.

Ms. advised during the alleged sexual assault, Trooper First Class Higginbotham noticed her phone was lit up, presumably from her calling Mr.

She advised Trooper First Class Higginbotham demeanor became "violent" and he asked "why's your phone on?" She indicated he then took her phone and began looking at her pictures and videos. She advised while he was doing that her boyfriend called and he "ignored it" and continued looking at her pictures. This officer inquired about her phone, but was reminded the FBI had taken her phone and she now has a different phone.

This officer inquired why Ms. didn't call 9-1-1; she indicated she feared if she did, the call information would be broadcast over Trooper First Class Higginbotham's police radio.

This officer inquired why she didn't tell Trooper Higginbotham "no" when he told her to remove her clothes; she indicated she had a criminal history and "didn't want to take the chance of going back to jail."

This officer asked her to explain what transpired after the traffic stop. According to Ms. she went to her boyfriend's house and told him about the incident. Ms. contemplated reporting the incident because she advised "how do you call the cops on a cop?" She advised she called her friend and was encouraged to report the incident. Ms. then called her ex-husband, and had him contact "Stevie Wratford" on Facebook asking him to contact her. She advised after nobody called her, she elected to call "Grant Comm."

According to Ms. she told the Dispatcher about the incident and asked them not to broadcast the information over the radio. She advised she was told to go to and "Stevie Wratford" would meet her there.

This officer inquired what Ms. told "Grant Comm"; she advised she just told them she was "sexually assaulted by a police officer and I (she) needed to speak to someone about it." She indicated she later spoke to Deputy Wratford at

This officer inquired if a forensic examination was performed at She explained that Deputy Wratford took her statement, but advised her since sexual

intercourse was not involved, a forensic examination was not necessary.

This officer asked Ms. [REDACTED] about contacting Trooper Higginbotham after the alleged assault; she indicated "Stevie" told her to download an app to record any conversations she had with Trooper First Class Higginbotham. Ms. [REDACTED] claimed Deputy Wratford told her to try to get Trooper First Class Higginbotham "to confess" or agree to "meet up again" and "kind of coached me" as to what to say. She advised Trooper First Class Higginbotham was calling her from the "barracks" and she didn't answer or want to call that number, so she messaged him on Facebook and asked him what he needed. Ms. [REDACTED] then described the two (2) recorded telephone calls she made and later provided to Deputy Wratford and the FBI, which are listed as Exhibit #12.

This officer inquired if Ms. [REDACTED] ever made any type of comment which would lead Trooper First Class Higginbotham to believe she would have wanted him to pull her over; she replied "No, I don't think that I did." She further indicated she had thought about that also, but doesn't believe she would have because she was "on the other side of the law." She further indicated due to her reputation, she "doesn't want to be seen with a police officer."

This officer informed Ms. [REDACTED] about the information provided by Trooper First Class Higginbotham alleging that she encouraged the sexual encounter. Ms. [REDACTED] adamantly denies his allegations.

This officer covertly pressed Ms. [REDACTED] throughout the interview; however, she stuck to her story and continued to insist she was being truthful.

After the interview, Ms. [REDACTED] signed a West Virginia State Police Release of Medical Information. This officer and Ms. [REDACTED] then traveled to the [REDACTED] in an attempt to retrieve the medical records documenting Ms. [REDACTED] visit the morning of November 6, 2017.

At 1114 hours, this officer provided [REDACTED] a copy of the signed Medical Release. [REDACTED] then provided 4 (four) pages of Medical Records Documenting Ms. [REDACTED] visit to [REDACTED] on November 6, 2017.

November 6, 2017 ER visit are listed as Exhibit #14 herein, and are attached to this Inquiry.



At 1129 hours, the same date, this officer traveled to the [redacted] This officer identified and spoke briefly with [redacted] Ms. [redacted] confirmed she had recently spoken with Agent Rouser of the FBI and was aware of this investigation. At the time of this visit Ms. [redacted] was working and unavailable to participate in an interview; however, Ms. [redacted] indicated she could speak with this officer the next morning.

On December 12, 2017, at 0900 hours, this officer arrived at the [redacted] and again made contact with [redacted]

At 0904 hours, this officer conducted an interview with [redacted] relative to this Inquiry. The interview was documented with a digital voice recorder and later copied to a CD-R, which is listed as Exhibit #15 herein, and is attached to this Inquiry.

Ms. [redacted] identified herself as a Supervisor at the [redacted] and a co-worker of Ms. [redacted] for the past four (4) or five (5) months. Ms. [redacted] indicated she was also familiar with Trooper First Class Higginbotham. She indicated Trooper First Class Higginbotham was a customer that frequented the establishment "a couple times a week" to get fuel and a coffee or a drink. She indicated he would make general conversation and was friendly toward the employees.

This officer inquired if any of the employees ever complained about Trooper First Class Higginbotham; she replied "just [redacted]" She then explained the evening of the alleged incident, Trooper First Class Higginbotham met with Ms. [redacted] in the parking area as she arrived to work. Ms. [redacted] advised at the end of their shift "he was waiting for her out in the parking lot." She indicated Ms. [redacted] was concerned that "he was out there." Ms. [redacted] indicated she offered to take a ride with Ms. [redacted] but she replied "let's see what happens." Ms. [redacted] advised she waited in her truck for ten (10) or fifteen (15) minutes while Ms. [redacted] spoke with Trooper First Class Higginbotham. Ms. [redacted] advised Ms. [redacted] told her she could leave, and indicated everything was "okay" and she was leaving also. Ms. [redacted] then departed [redacted] parking area and went home.

Ms. [redacted] advised Ms. [redacted] later called her at home and was "bawling and crying." Ms. [redacted] asked Ms. [redacted] "what's going on?" and she replied "he forced himself on me." According to Ms. [redacted] Ms. [redacted] advised Trooper First Class Higginbotham followed her and pulled her over. Ms. [redacted] claimed Trooper First Class Higginbotham made her get undressed in her car, and then walk back to his car "where he forced himself on her." Ms. [redacted] described Ms. [redacted] as being "hysterical" at the time, and there was no further description of the alleged sexual interaction. She advised they terminated the call, and Ms. [redacted] later sent her a message advising she was going to [redacted]

This officer inquired if Ms. [redacted] complained about Trooper First Class Higginbotham prior to November 5<sup>th</sup>, she replied "no." She then explained the first time she was aware of any contact between Ms. [redacted] and Trooper First Class Higginbotham was the incident which resulted in Trooper First Class

Higginbotham giving her a traffic citation. Ms. [redacted] advised they would speak when he visited [redacted] but Ms. [redacted] never appeared uncomfortable with Trooper First Class Higginbotham prior to November 5<sup>th</sup>.

This officer inquired what type of reputation Ms. [redacted] had in the workplace; Ms. [redacted] had nothing negative to say about Ms. [redacted] Ms. [redacted] did advise

This officer inquired about video cameras at the establishment; she was unable to provide any relative information, but referred this officer to the main office to inquire about potential video evidence.

At 0922 hours, the same date, this officer traveled to [redacted] and made contact with [redacted] Manager. This officer inquired about obtaining video footage from November 5, 2017. Mr. [redacted] was unable to produce any video footage from November 5<sup>th</sup>, but indicated he had previously released video from that date to Chief Deputy Wratford.

At 0930 hours, the same date, this officer traveled to the Grant County Sheriff's Office and made contact with Chief Deputy Wratford. Deputy Wratford acknowledged obtaining the video, but advised he had released the video to the FBI.

On December 13, 2017, at 1117 hours, this officer spoke via telephone with [redacted] had supervised Ms. [redacted] aka [redacted] This officer inquired if [redacted] recalled Ms. [redacted] making sexual assault allegations on [redacted] indicated she was familiar with the allegations; however, the allegations were determined to be unfounded. This officer asked [redacted] to explain.

According to [redacted], in the year 2015 she was a [redacted]

At an unknown date during that time, Ms. [redacted] came into her office crying alleging [redacted] had been making her dress in skimpy outfits and then forcing her to have sexual intercourse. [redacted] recalled Ms. [redacted] advising "she didn't want to do it, but did it because of who he was." [redacted] indicated based upon the nature of the allegations, she immediately contacted Deputy Short, of the Hardy County Sheriff's Office, and reported the allegations.

This officer inquired if [redacted] knew what came of the matter; she indicated "nothing" because it was determined Ms. [redacted] was involved in a consensual relationship with Mr. [redacted] She then explained Deputy Short had obtained several Facebook messages and photographs which indicated the two were romantically involved.

This officer inquired what [redacted] recalled about Ms. [redacted]. She advised "she's always been a lost cause" and "she praises on the attention of others." [redacted] concluded by saying Ms. [redacted] was after "attention and money".

After speaking with [redacted] this officer telephoned and spoke with Corporal C. S. Hartman, of the West Virginia State Police Moorefield/Petersburg Detachment. This officer inquired if Corporal Hartman recalled conducting an investigation involving Ms. [redacted] and [redacted]. Corporal Hartman advised he did, but the allegations were determined to be unfounded. He then explained Ms. [redacted] made allegations of sexual assault against [redacted]. Corporal Hartman advised the allegations were reported to the Hardy County Sheriff's Office, but due to the nature of the allegations he also "looked into" the matter. He advised Ms. [redacted] had granted Law Enforcement access to her Facebook, which resulted in the discovery of numerous Facebook messages and photographs indicating Ms. [redacted] was involved in a consensual sexual relationship with [redacted]. Corporal Hartman advised he had access to the Facebook messages, which he could provide this officer for review.

On December 14, 2017, this officer traveled to the Moorefield/Petersburg Detachment to meet with Corporal Hartman. The nature of the meeting was to conduct an informal interview and collect the Facebook messages between Ms. [redacted] and [redacted].

At 1013 hours, this officer conducted an informal interview of Corporal C. S. Hartman. According to Corporal Hartman, in May of 2015, Ms. [redacted] made allegations of "being coerced into a sexual relationship" with [redacted]. She alleged [redacted] was using his position [redacted] "to do things to her sexually" and "he was holding things over her head so she would do that."

This officer inquired how Corporal Hartman was made aware of the allegations. According to Corporal Hartman, he was confronted at the Grant County Court House, by Grant County Chief Deputy Steve Wratchford, and advised of the allegations. He indicated Ms. [redacted] aka [redacted] was arrested by Deputy Wratchford and subsequently made the allegations. Corporal Hartman advised Deputy Wratchford initiated an investigation, but determined the allegations allegedly transpired in Hardy County; therefore, the matter was reported to [redacted] and Hardy County Deputy Sheriff Brad Short. Corporal Hartman explained [redacted] was "good friends" with the Hardy County Sheriff, so he decided to look into the matter as well. Corporal Hartman advised he telephoned Deputy Short and was advised there was no formal investigation conducted because "there was really nothing to it." Corporal Hartman advised in order "to be thorough" he traveled to [redacted] and spoke to [redacted] about the allegations. As a result, [redacted] provided him with a password to access Ms. [redacted] Facebook account. Corporal Hartman indicated he was going on his days off, but utilized the time to look through months of Ms. [redacted] Facebook interactions with [redacted]. Upon returning to work, Corporal Hartman had determined there was a sexual relationship between Ms. [redacted] and [redacted] however, "it was

completely consensual in every aspect." He advised there was no evidence of any coercion on the part of [redacted] and there were very graphic messages, and photographs, sent from them both to each other. Corporal Hartman advised he did not complete a Criminal Investigation report on the matter because he "didn't feel there was a need to." He advised he was unsure if Deputy Short compiled a Criminal Investigation report, but based upon their previous conversation he doubted he had because "it was unwarranted."

He further explained Ms. [redacted] had "no credibility" and it was apparent she was making the allegations "to save her own skin" in an attempt to avoid going to prison. Corporal Hartman was able to provide this officer with one hundred and three (103) pages of Facebook messages from Ms. [redacted] Facebook account. This officer reviewed the messages with Corporal Hartman and concurs with the findings of Corporal Hartman. The one hundred and three (103) pages of Facebook messages obtained from Ms. [redacted] Facebook account are listed as Exhibit #16 herein, and are attached to this Inquiry.

On December 14, 2017, at 1243 hours, this officer spoke via telephone with Hardy County Sheriff's Deputy Brad A. Short. This officer inquired about the allegations Ms. [redacted] aka Ms. [redacted] had made involving [redacted] in 2015. Deputy Short recalled the allegations, and advised "there was nothing to them." He confirmed the information previously advised by [redacted] and Corporal Hartman. Deputy Short indicated he did not compile a Criminal Investigation report on the matter because the allegations were "extremely false" and an investigation was not warranted. He advised he reviewed Ms. [redacted] Facebook and it was clear that [redacted] and Ms. [redacted] were involved in a consensual sexual relationship. Deputy Short indicated Ms. [redacted] made the allegations in an attempt to avoid going to jail.

On December 15, 2017, at 1332 hours, this officer received a telephone call from Agent Rouser. Agent Rouser advised another female had made allegations involving Trooper First Class Higginbotham, and he would be re-examining the Civil Rights Violation.

Agent Rouser then explained approximately two (2) months ago a female had traveled to a [redacted] and advised that she had been sexually assaulted by Trooper First Class Higginbotham. Apparently the female advised Trooper First Class Higginbotham came to her residence in regards to a domestic violence investigation, and at some point advised her she needed to be subjected to a "frisk search" for weapons. During the search, the female alleged Trooper First Class Higginbotham sexually assaulted her.

This officer inquired about the identity of the female and the location of the [redacted] Agent Rouser was unable to provide the identity of the female making the allegations, but advised [redacted] He further advised his field office had the name of the person [redacted] and he would provide more information after speaking with another Agent. He indicated he planned on interviewing the female the following week.

On December 18, 2017, at 1117 hours, this officer received a telephone call from Agent Rouser. Agent Rouser subsequently identified the female making the additional allegation as [REDACTED]. He provided this officer with Ms. [REDACTED] date of birth, and social security number, and requested if this officer could verify Trooper First Class Higginbotham had investigated a report of domestic violence involving Ms. [REDACTED]. Agent Rouser further supplied this officer with the contact information for the [REDACTED] which is where Ms. [REDACTED] had made the allegation. He identified the point of contact as [REDACTED].

Agent Rouser indicated he had not interviewed Ms. [REDACTED] but again advised of the allegations she was making. He further provided additional information indicating Ms. [REDACTED] supposedly was able to manipulate her cellular telephone and make a phone call during the alleged sexual assault committed by Trooper First Class Higginbotham. Agent Rouser identified the person called as [REDACTED] the ex-husband of [REDACTED]. He advised he could not confirm the information, as it was coming third party from [REDACTED].

At 1233 hours, the same date, this officer met with Romney Communications Supervisor, Mr. Boley, and performed a Criminal History Inquiry on Ms. [REDACTED]. The NCIC III inquiry revealed Ms. [REDACTED] had been arrested for [REDACTED] and [REDACTED]. The arresting Agency associated with both arrests was identified as WVSP-Moorefield. The three (3) page NCIC III inquiry, and result, is listed as Exhibit #17 herein, and is attached to this report.

After receiving the III information, this officer directed Mr. Boley to perform a search of the Romney Communication CAD server for any calls for service, or reports, pertaining to Ms. [REDACTED] in the year 2017. Mr. Boley was able to determine Ms. [REDACTED] was also known as [REDACTED]. He then provided this officer with a two (2) page CAD Call For Service Detail Report, documenting a report of Domestic Violence made by Ms. [REDACTED] on August 28, 2017. The responding officers are identified as Corporal Hartman and Trooper First Class Higginbotham. The two (2) page CAD Call For Service Detail Report, documenting the report of Domestic Violence made by Ms. [REDACTED] is listed as Exhibit #18 herein, and is attached to this report.

At 1304 hours, the same date, this officer telephoned and spoke with the Moorefield/Petersburg Detachment Secretary, Ms. Rohrbaugh. This officer requested Ms. Rohrbaugh search the Moorefield/Petersburg Detachment Files for the investigative reports pertaining to Ms. [REDACTED] aka Ms. [REDACTED]. This would include the report of domestic violence on August 28, 2017, and the reports pertaining to the [REDACTED] and the [REDACTED] arrest.

Ms. Rohrbaugh was able to locate each report. She confirmed the August 28, 2017 Domestic Battery, in which Ms. [REDACTED] was identified as the victim, was investigated by Trooper First Class Higginbotham. The [REDACTED] and the [REDACTED] were both investigated by then Senior Trooper S. A. Nazelrod. The dates of the reports were identified as November 22, 2010, and [REDACTED].



November 23, 2010 respectively. Ms. Rohrbaugh agreed to scan and forward each report to this officer via email, and make a hard copy to forward as well.

This officer later received an email, with an attached Criminal Investigation report, pertaining to the previously identified investigations. This officer then forwarded each report, via email, to Agent Rouser for his investigation.

On December 19, 2017, at 1045 hours, this officer received a hard copy of the three (3) Criminal Investigation reports relative to Ms. [redacted] aka Ms. [redacted] initiated by Troopers from the Moorefield Petersburg Detachment. The Criminal Investigation reports are listed as Exhibit #19 herein, and are attached to this report.

At 1245 hours, the same date, this officer telephoned and spoke with Agent Rouser. This officer inquired when he planned on interviewing Ms. [redacted] he advised he had no plans to conduct any further investigation into this matter. He explained based upon what he had learned, there was no responsible avenue for charging Trooper First Class Higginbotham with a Civil Rights Violation. Agent Rouser again advised the matter was determined to be an "Internal Ethical Matter" for the West Virginia State Police to investigate. He advised he would text message this officer with [redacted] contact information at the [redacted] upon conclusion of this telephone call. Agent Rouser advised [redacted] would provide this officer with Ms. [redacted] contact information, as well as speak to the officer in regards to [redacted] involvement in this inquiry.

At 1258 hours, the same date, this officer received a text message from Agent Rouser with [redacted] contact number at the [redacted] After receiving the information, this officer attempted to contact [redacted] with negative results.

At 1756 hours, the same date, this officer received a telephone call from Captain White. Captain White was calling to advise that Ms. [redacted] had contacted the West Virginia State Police Forensic Laboratory attempting to locate some type of evidence relative to her pending domestic violence case. He indicated he was made aware of the request by Meredith A. Chambers, the Assistant Director of the Forensic Laboratory. Captain White was advised there was no evidence at the Laboratory pertaining to the case, and he was provided with Ms. [redacted] contact information.

On December 20, 2017, at 0916 hours, this officer received a text message from Captain White which contained Ms. [redacted] telephone number.

On January 3, 2018, at 1015 hours, this officer telephoned Ms. [redacted] at the number provided by Captain White. This officer spoke with a female identified as [redacted] This officer informed Ms. [redacted] that her name had been mentioned in an investigation involving misconduct on behalf of a member of the West Virginia State Police. Ms. [redacted] confirmed she was aware of the investigation, and confirmed the investigation involved Trooper First Class [redacted]

Higginbotham "sexually assaulting some woman." This officer inquired what information Ms. [redacted] had to offer relative to this investigation; she replied, "He did it to me." This officer asked Ms. [redacted] to explain what she was referring to.

According to Ms. [redacted] she had a domestic violence issue with her husband. She indicated when she reported the matter to get a DVP, Trooper First Class Higginbotham was the officer that assisted her. She advised he took photographs of her injuries, but never showed up for her court hearing. Ms. [redacted] advised after the hearing Trooper First Class Higginbotham called her asking if she was alone, because he needed to take some more photographs. She advised, she was alone and staying at her mother's house. Ms. [redacted] advised Trooper First Class Higginbotham came to the residence and took more photographs. She advised after taking the photographs, Trooper First Class Higginbotham advised he was going out to his cruiser to get a piece of paper. He indicated that when he came back into the residence, if she was still sitting in the living room he would know that she didn't want anything to do with him "sexually." But, if she was in her bedroom when he came back in, then he would know that she "wanted him." She advised he went out to his car and came back into the residence, and she was still sitting in the living room. Trooper First Class Higginbotham then stated "what, you don't find me attractive?" Ms. [redacted] explained she knew he was married with a family and she wasn't interested. She described the situation as "disgusting", which according to Ms. [redacted] made Trooper First Class Higginbotham "mad." She advised Trooper First Class Higginbotham, "well I'm in your home alone and I don't know if you have weapons on you and I'm going to need to search you." Ms. [redacted] described the search performed by Trooper First Class Higginbotham. She indicated he was ' [redacted] Ms. [redacted] advised Trooper First Class Higginbotham

She indicated she was able to get Trooper First Class Higginbotham off of her by "throwing my (her) elbows into his vest." According to Ms. [redacted] she was able to hit the call button on her cellular phone and it dialed the last person she called, whom she advised eventually came to the house as Trooper First Class Higginbotham was leaving. She advised when her friend [redacted] arrived, Trooper First Class Higginbotham was asked to leave and he left. She advised she hasn't heard from him since.

This officer inquired when the incident transpired. Ms. [redacted] recalled the DVP hearing was [redacted] and indicated it would have been the Saturday prior to the hearing, which would have been [redacted] This officer inquired if she reported the incident to anyone; she indicated she did not report the incident to the police, but she did inform [redacted] a worker from the [redacted] that helped her with her DVP hearing. Ms. [redacted] recalled telling [redacted] and [redacted] about the incident shortly after it happened. She further indicated she came forward after hearing Trooper First Class Higginbotham was being investigated for doing something with another female. She indicated [redacted] urged her to report the matter, as did [redacted]

This officer inquired if sexual intercourse transpired during this incident. Ms. [redacted] replied "No, I didn't have sex with him, but he did [redacted] she then became quiet. This officer inquired if there was [redacted] she replied Ms. [redacted] then explained Trooper First Class Higginbotham had her [redacted] She explained she couldn't move, but tried to fight him off by elbowing him in the chest.

This officer inquired if Ms. [redacted] would be willing to be interviewed by this officer, or another member from the West Virginia State Police Professional Standards Section; she advised she would. This officer then made arrangements to call her back to schedule an interview.

This officer recorded the telephone call with Ms. [redacted], and later copied the telephone call to a CD-R. The CD-R containing the telephone conversation of this officer and [redacted] is listed as Exhibit #20 herein, and is attached to this Inquiry.

After speaking with Ms. [redacted] this officer telephoned Captain White and informed him of the new allegation. Captain White was also made aware of Ms. [redacted] current living arrangements, and her newly obtained employment. It was suggested that this officer contact First Lieutenant W. J. Bramer, the Troop I Inspector, and seek his assistance in this Inquiry.

On January 4, 2018, at 0900 hours, this officer telephoned the Troop I Headquarters and left a message for First Lieutenant Bramer requesting a return telephone call.

At 0946 hours, the same date, First Lieutenant Bramer telephoned and spoke with this officer regarding this Inquiry. Lieutenant Bramer was briefed on the entire investigation and agreed to contact Ms. [redacted] and schedule an interview to document her allegations.

At 1032 hours, the same date, this officer telephoned the [redacted]. This officer spoke with [redacted] who identified herself as a [redacted]. This officer informed [redacted] that an investigation was being conducted on alleged misconduct of an employee of the West Virginia State Police. She indicated she was aware on the investigation and was expecting to be contacted. This officer inquired if Ms. [redacted] had disclosed any information that may be relative to the investigation, she replied to the affirmative. [redacted] then confirmed Ms. [redacted] had reported some inappropriate touching by Trooper First Class Higginbotham during a frisk search. According to [redacted] the incident was initially reported to her after Ms. [redacted] DVP hearing on [redacted]. She advised it was not reported to law enforcement at the request of Ms. [redacted] advised Ms. [redacted] was now willing to report the incident and cooperate with law enforcement. This officer made arrangements to meet with [redacted] the same afternoon to obtain more detailed information about what Ms. [redacted] had previously reported.

At 1225 hours, First Lieutenant Bramer messaged this officer and confirmed he had spoken with Ms. [redacted]. He advised Ms. [redacted] agreed to participate in an interview on January 5, 2018, at Troop 1 Headquarters in Fairmont.

At 1340 hours, the same date, this officer arrived at the [redacted]. This officer was met by [redacted] and [redacted]. It was determined both [redacted] and [redacted] had spoken with Ms. [redacted] and were familiar with the allegations being made. This officer elected to interview both [redacted] and [redacted] separately.

At 1355 hours, this officer conducted an interview with [redacted]. [redacted] identified herself as a [redacted] associated with the [redacted]. She confirmed having knowledge of this Inquiry and explained how she was familiar with Ms. [redacted].

According to [redacted] she met Ms. [redacted] at the Grant County Courthouse on [redacted]. [redacted] explained she attended the DVP Hearing with Ms. [redacted], as [redacted]. She further explained Ms. [redacted] was nervous and upset about being in front of the judge, and because her husband had obtained an attorney and she had not. She explained Ms. [redacted] was also upset because Trooper First Class Higginbotham had "promised" to be at the DVP Hearing, but he failed to appear. [redacted] advised the DVP was dismissed for lack of evidence, which made Ms. [redacted] even more upset. She advised she followed Ms. [redacted] to the parking area and overheard Ms. [redacted] exclaiming "after what he did, that dirty pig son of a bitch." [redacted] asked who Ms. [redacted] was referring to; she advised "the Trooper." Ms. [redacted] then advised the Trooper had "assaulted" her.

Based upon the statement of Ms. [redacted], [redacted] asked her to travel to the [redacted] and explained what happened. Once at the [redacted] Ms. [redacted] identified "the Trooper" as Trooper First Class Higginbotham, and then explained the circumstance relative to the alleged assault. Ms. [redacted] advised the Sunday after her domestic altercation, Trooper First Class Higginbotham telephoned her at her mother's residence and inquired if "she was alone." Ms. [redacted] advised she was, and Trooper First Class Higginbotham claimed he needed to take some photographs as "evidence" to document her injuries. Ms. [redacted] agreed and Trooper First Class Higginbotham responded to her mother's residence. Ms. [redacted] explained he took more photographs then took her phone. She explained she observed Trooper First Class Higginbotham viewing "marital pictures" which she had previously sent her husband. [redacted] believed the photographs were provocative and possibly nude photographs of Ms. [redacted]. Ms. [redacted] advised Trooper First Class Higginbotham made "some comments" about the photographs; then stated he was going out to put his radio in his cruiser. He then made a comment indicating if Ms. [redacted] felt about him, the way he felt about her, she would be in the upstairs bedroom when he came back into the residence. Ms. [redacted] advised when Trooper First Class Higginbotham came back inside the residence, she was still seated on the couch. Trooper First Class Higginbotham then told Ms. [redacted] he needed to "search her for weapons."

According to Ms. Trooper First Class Higginbotham

She indicated Trooper First Class Higginbotham

This officer inquired if Ms. had contacted after she advised Ms. sent her a message on the 16<sup>th</sup> or 17<sup>th</sup> of December indicated she was aware "the Trooper was being investigated." According to Ms. Deputy Wratchford told her about the investigation. advised she then told of the communication, and contacted Deputy Wratchford who denied speaking with Ms.

This officer inquired if Ms. spoke with her after sending the message; explained Ms. met with her and on December 22, 2017 at and they went over the entire incident. This officer inquired if the explanation of the incident was different; she replied "it was." indicated initially Ms. advised the incident transpired on the couch in the living room; however, now Ms. was advising the incident took place in the bedroom. She further was claiming her friend came to the residence and told Trooper First Class Higginbotham if he didn't have a warrant, he needed to leave. also indicated now Ms. was claiming Trooper First Class Higginbotham was behind her performing the search and had explained Ms. had added things to the initial allegation, specifically the and she had been encouraging Ms. to write down exactly what happened, because every time they spoke "there was something new coming out."

This officer inquired if had any other information regarding the matter; then advised Ms. told her Trooper First Class Higginbotham called her and apologized for missing the DVP Hearing. Ms. claimed he was "trying to be her hero." further explained she advised Ms. to report the incident, but she refused because she believed Trooper First Class Higginbotham was helping her with the domestic problem with her husband, and "she didn't think anyone would believe her because he was a Trooper and she was a drug addict."

This officer documented the interview with via a digital voice recorder, and later copied the interview to a CD-R. The CD-R containing the interview of is listed as Exhibit #21 herein, and is attached to this Inquiry.

At 1424 hours, this officer conducted an interview of . was able to corroborate the information provided by , as well as speaking with Agent Rouser and Deputy Wratchford about Ms. allegations. This officer documented the interview of with a digital voice recorder a later copied the interview to a CD-R. The CD-R containing the interview of is listed as Exhibit #22



herein and is attached to this inquiry.

On January 5, 2018, at 1400 hours, this officer met with the Romney Communications Supervisor, Mr. Boley. This officer instructed Mr. Boley to perform a search of the Romney CAD for the Unit Activity Logs of Trooper First Class Higginbotham. This officer requested the search be from August 28, 2017, through September 5, 2017. Mr. Boley subsequently provided this officer with seven (7) pages of Unit Activity Logs for Trooper First Class Higginbotham relative to the request. The first Unit Log, dated August 28, 2107, documented Trooper First Class Higginbotham responding to, and arriving at

which is the address associated with Ms. domestic related call for service. The address is the residence of Ms. mother, which is where she chose to reside following the domestic altercation with her husband. This officer also noted the Unit Log dated September 2, 2017, indicated Trooper First Class Higginbotham went "10-7" at at 1753 hours. September 2<sup>nd</sup> was the Saturday after Ms. domestic altercation, which is the date she indicated the alleged sexual assault transpired. The seven (7) pages of Trooper First Class Higginbotham's Unit Activity Logs, from August 28, 2017, through September 5, 2017, are listed as Exhibit #23 herein and are attached to this inquiry.

At 1357 hours, the same date, First Lieutenant Bramer conducted an interview with relative to this inquiry. The interview was conducted at Troop 1 Headquarters and documented via a digital voice recorder. First Lieutenant Bramer later electronically forwarded the interview to this officer via email. This officer copied the digital interview of Ms. to a CD-R. The CD-R containing the interview of , conducted by First Lieutenant W. J. Bramer, is listed as Exhibit #24 herein, and is attached to this inquiry.

First Lieutenant Bramer began the interview by obtaining Ms. contact information, and then obtained some background information relative to this inquiry. He was able to establish the incident involving Trooper First Class Higginbotham transpired in September of 2017, at a residence located at

Lieutenant Bramer further established Ms. had no prior relationship or dealings with Trooper First Class Higginbotham, and her only other dealings with law enforcement occurred when she was arrested for when she was twenty-one (21) years old.

Lieutenant Bramer then directed Ms. attention to the domestic altercation and asked her to explain what happened when the officers arrived. Ms. indicated after the altercation between her and her husband, she traveled with her children to her mother's residence and called 9-1-1. She indicated she was directed to the State Police Dispatch and Trooper First Class Higginbotham and Corporal Hartman responded to assist her. She explained she provided a statement and was advised she should obtain a DVP. According to Ms. Corporal Hartman utilized a digital camera to photograph and document her injuries, while Trooper First Class Higginbotham viewed her phone to document

the text messages her husband had sent her. She advised she noticed Trooper First Class Higginbotham was also looking at her pictures and being "kind of flirty" which she didn't think anything of at the time.

Ms. [redacted] advised after the Troopers left, she traveled to Magistrate Court and obtained a DVP on her husband. She advised after seeing the Judge, Trooper First Class Higginbotham met her outside the Magistrate's office and provided her with her medication he had retrieved from her husband. According to Ms. [redacted] Trooper First Class Higginbotham followed her to her residence and asked to view the text messages on her cellular phone again. She advised she gave him her phone and he began being "really flirty" which she found "really frustrating", but he eventually stopped and left.

Ms. [redacted] advised from the time after the domestic, and before the DVP hearing, Trooper First Class Higginbotham was calling her about her case. According to Ms. [redacted] Trooper First Class Higginbotham was claiming "he had all this evidence" and "not to worry" because he would be at her DVP hearing to help her; however, "he never showed up."

Ms. [redacted] then advised Lieutenant Bramer of the contact she had with Trooper First Class Higginbotham at her mother's residence, which resulted in her being sexually assaulted. The explanation and description of the assault was similar to the previous description she provided this officer on January 3<sup>rd</sup>. The sexual assault was described to be the [redacted] which occurred during a "search for weapons."

Ms. [redacted] description of the search, [redacted] was consistent with what she previously advised this officer. The only inconsistency appeared to be where in the residence the sexual assault took place. Based upon what Ms. [redacted] advised on January 3<sup>rd</sup>, it was believed the sexual assault took place in the living room on, or near, a couch. However, based upon what she was advising First Lieutenant Bramer, it appears the sexual assault took place in her bedroom.

Ms. [redacted] advised during the incident Trooper First Class Higginbotham was "joking and laughing" and made the comment "you know you like it." She claimed during the assault she was "trying to fight him off." According to Ms. [redacted] after the sexual assault Trooper First Class Higginbotham apologized and advised her to please not tell anyone.

Ms. [redacted] also provided information indicating during the sexual assault, or immediately after, she had been able to push the send button on her phone and it dialed her friend [redacted]. She indicated [redacted] showed up after Trooper First Class Higginbotham departed the residence, but she told him what happened. She explained after the incident she had moved to [redacted] According to Ms. [redacted] around mid-November, while she was living in [redacted] called her advising "he had met another girl he (Trooper First Class Higginbotham) had done that to" and he thought "he was being looked at for his conduct." Ms. [redacted] advised it took her a while, but she decided to come forward with her

allegation. She further indicated she initially reported the incident to [redacted] shortly after it transpired, so she again contacted them. According to Ms. [redacted] the workers from [redacted] contacted "Stevie Wratchford" and later contacted her back advising this officer would be contacted her.

Lieutenant Bramer directed Ms. [redacted] attention back to the "search" and inquired how long it transpired; Ms. [redacted] advised "maybe three (3) minutes." He inquired what she may have said during the search; she replied "stop, stop" and "you're not searching me, you mother fucker."

Lieutenant Bramer asked Ms. [redacted] is she had additional concerns; she indicated she had some concerns that Trooper First Class Higginbotham may have retrieved her private pictures from her phone. She also stated concerns about retrieving the report and photographs relative to her domestic case, since Trooper First Class Higginbotham "had all her evidence."

During this interview, Ms. [redacted] indicated she had also told her brother about what Trooper First Class Higginbotham had done to her. She indicated her brother was [redacted] According to Ms. [redacted] her brother told her she could come forward, but informed her it would be her word against his.

On January 8, 2018, at 1351 hours, this officer telephoned First Lieutenant Bramer and requested he attempt to identify and speak with Ms. [redacted] brother. This officer provided him with Ms. [redacted] maiden name, [redacted] in hopes this could identify her brother without Ms. [redacted] being aware of the matter.

At 1419 hours, this officer telephoned and spoke with Trooper First Class Higginbotham about conducting a follow up interview. A follow up interview was scheduled the following morning at approximately 0930 hours.

On January 9, 2018, at 0839 hours, this officer arrived at the Moorefield/Petersburg Detachment. This officer reviewed notes and interviews in regards to this Inquiry and prepared to interview Trooper First Class Higginbotham.

At 1000 hours, this officer conducted an interview with Trooper First Class Higginbotham relative to this Inquiry. The interview was documented with a digital voice recorder and later copied to a CD-R, which is listed as Exhibit #25 herein, and is attached to this Inquiry.

This officer confirmed Trooper First Class Higginbotham was aware of this Inquiry and then advised him of the West Virginia State Police Administrative Warning, via DPS Form 173. Trooper First Class Higginbotham acknowledged the Administrative Warning and placed his signature on the WVSP Form 173 indicating he understood the Administrative Warning. The WVSP Form 173, West Virginia State Police Administrative Warning, bearing the signature of Trooper First Class N. E. Higginbotham is listed as Exhibit #26 herein, and is

attached to this Inquiry.

This officer began the interview by reviewing how the initial allegation surfaced. Trooper First Class Higginbotham confirmed he was aware of the initial allegation. He further confirmed the allegation was that he coerced Ms. into having sexual contact with him during a traffic stop, while he was on-duty. Trooper First Class Higginbotham admitted making sexual contact with Ms. on the traffic stop; however, he advised the contact was consensual and that she encouraged it. He further confirmed he Ms. during the traffic stop.

This officer then advised Trooper Higginbotham that another female had come forward making similar allegations. This officer further advised some evidence had been obtained that give the additional allegation some credibility. This officer advised the allegation was that he used his position as a Trooper to coerce a female into having sexual contact with him. This officer identified the additional complainant as and asked Trooper First Class Higginbotham to explain what happened with Ms.

According to Trooper First Class Higginbotham, he worked a domestic violence investigation in which Ms. was the victim. After working the case, Ms. began to message him on Facebook with questions about her domestic situation and he would reply. He then advised "one day right after my (his) shift" he stopped at her place of residence and they started talking about her case. According to Trooper First Class Higginbotham, "she got a little flirty and we started talking about that kind of stuff" and she "flashed me (him)." He advised they joked and flirted back and forth, and Ms. said "you can pat me down if you want." Trooper First Class Higginbotham advised he "patted her down." Trooper First Class Higginbotham stated he

This officer advised Trooper First Class Higginbotham the allegation was that he Ms. he advised Trooper First Class Higginbotham advised but was adamant he did not This officer inquired what he

This officer inquired when the incident took place; Trooper First Class Higginbotham indicated he was unsure, possibly the end of summer. This officer produced the CAD report, Exhibit # 18, which documented the domestic altercation involving Ms. on August 28, 2017. The report also indicated Trooper First Class Higginbotham and Corporal Hartman responded to the call for service. Trooper First Class Higginbotham confirmed the information then described what transpired during the initial investigation. This officer inquired when the sexual contact occurred; he advised "two (2) or three (3) weeks" after the initial encounter. This officer then informed Trooper First Class Higginbotham of the information on his Unit Activity Log, Exhibit #23, which indicated the sexual contact occurred September 2<sup>nd</sup>, 2017. Trooper First Class Higginbotham was

reluctant to confirm the sexual contact happened September 2<sup>nd</sup>, but after this officer advised him the incident was reported to \_\_\_\_\_ by Ms. \_\_\_\_\_ on September 5<sup>th</sup>, 2017, he then confirmed the contact happened on September 2<sup>nd</sup> when he went back to Ms. \_\_\_\_\_ current residence.

This officer then attempted to verify Trooper First Class Higginbotham was working when the sexual contact occurred. Again, he was reluctant to admit he was working, claiming "I think I cut back that day", indicating he may have been on his own time and not being paid. This officer again directed his attention to Exhibit #23, which indicated he was 10-41 at 1603 hours, and he was 10-7 at \_\_\_\_\_ at 1753 hours. Trooper First Class Higginbotham then advised "yes, that is correct" indicating the Unit Log reflected he was working when the sexual contact occurred.

This officer then had Trooper First Class Higginbotham describe what happened when he was at Ms. \_\_\_\_\_ residence. He indicated he went to the residence to obtain the additional photographs and he took some pictures. This officer informed Trooper First Class Higginbotham what Ms. \_\_\_\_\_ alleged he said about going out to his cruiser and where she should be when he came back in the house if she was interested in him sexually; he advised "I don't remember saying that." This officer inquired if he went back out to his cruiser, which he admitted doing. This officer then asked him to again describe what happened. Trooper First Class Higginbotham advised "she got flirty, I got flirty, and then that's when the other stuff happened." This officer inquired where the incident happened in the residence; he replied "it was a bedroom." Trooper First Class Higginbotham then explained the circumstances regarding "the search." According to Trooper First Class Higginbotham, he made a comment about Ms. \_\_\_\_\_ having weapons, and she replied "why, do you want to search me?" which led him to show Ms. \_\_\_\_\_ "how a search works." This officer asked if Trooper First Class Higginbotham had any reason to search Ms. \_\_\_\_\_ he replied "No." This officer then asked if the search was for sexual gratification; he replied "yeah, and flirting around, yes." This officer asked if this was common practice; he replied "No sir."

This officer inquired if Trooper First Class Higginbotham was aware if Ms. \_\_\_\_\_ was able to manipulate her phone and place a call during the incident; he indicated she had the phone but was unaware if she made any call. This officer informed him she claimed she called someone, and they heard the incident. This officer informed him Ms. \_\_\_\_\_ could be heard telling him to stop; he replied toward the end she said "stop we can't do this here."

This officer then asked Trooper First Class Higginbotham to describe his positioning during the search. He indicated he was to the side and behind her. This officer inquired which hand he used to perform the search; he advised "I think I used my right and left." He indicated the search took a "couple minutes tops." This officer confirmed that during the search Trooper First Class Higginbotham's own words were that he \_\_\_\_\_ Ms. \_\_\_\_\_ and \_\_\_\_\_ Although, Trooper First Class Higginbotham



denie. This officer inquired how long he he replied "less than thirty (30) seconds." Trooper First Class Higginbotham advised he had no further contact with Ms. after this incident.

After concluding the interview, Trooper First Class Higginbotham informed this officer he wished to resign his employment with the West Virginia State Police. This officer advised Trooper First Class Higginbotham to prepare a correspondence relative to his request, and this officer would forward the request to West Virginia State Police Headquarters for consideration.

Trooper First Class Higginbotham subsequently prepared a letter "Through Channels" to the Superintendent, Colonel J. L. Cahill, requesting to resign his employment with the West Virginia State Police effective January 9<sup>th</sup>, 2018. An Exit Interview was conducted by his immediate Supervisor, Sergeant W. M. Roden, and the request was covered and forwarded to Department Headquarters.

The same date, Special Order Number 024 was issued granting his resignation effective January 9, 2018, effective 1600 hours. A copy of the request prepared by Trooper First Class Higginbotham, the Exit Interview completed by Sergeant Roden, and West Virginia State Police Special Order #24 are listed as Exhibit #27 herein, and are attached to this Inquiry.

At 1417 hours, the same date, this officer received an email message from First Lieutenant Brammer. The message indicated he had located Ms. brother. It was determined Mr. was employed by the Attached to the email message was an audio statement provided by relative to this Inquiry. This officer listened to the audio and later copied the statement of to a CD-R. The audio statement of is listed as Exhibit #28 herein, and is attached to this Inquiry.

confirmed he was the brother of Ms. , and that Ms. had confided in him regarding the incident relative to this Inquiry. According to , had called him "a while back" and indicated she had something she wanted to speak to him about. He then described the incident involving the "frisk search" which resulted in this Inquiry.

According to , indicated "the Trooper" that worked the initial investigation involving her domestic altercation, had called her and advised he needed to take "more pictures of an abrasion" pertaining to the altercation. advised the Trooper returned to his sister's residence, took a picture and said he needed to "go out to his cruiser to get a piece of paper." The Trooper then advised his sister if she was still sitting where she was when he returned, he would know she "didn't want to do anything", but if she was upstairs in her bedroom "then I'll know." advised he asked his sister what happened, and she advised "I stayed in the living room." She further advised when the Trooper came back into the residence with the paper, he started walking

around the house making comments about the size of the home. She advised she followed him, and when they came to her bedroom, the Trooper made the comment "you don't find me attractive?" According to his sister advised the Trooper then made the comment "I'm in your house and I don't know if you have a weapon" and he then "frisked searched her." She indicated the Trooper searched her in a manner as if he According to

his sister was hesitant to advise what happened, but he believed there was "more to it" and his sister didn't want to go into detail. He indicated his sister wanted his opinion about reporting the incident. advised he didn't want to "sway" his sister either way, but if the Trooper did what she said she should file a complaint.

First Lieutenant Bramer inquired if had spoken with his sister recently; he indicated he had and was aware she was interviewed. First Lieutenant Bramer inquired if could recall when the initial phone conversation about the incident transpired; he advised he could not recall a definite date, but believed it was "over the summer."

The information obtained from appears to be consistent with what Ms. had advised this officer regarding the incident resulting in this Inquiry.

**FINDING OF FACT:** On August 28, 2017, was involved in a domestic altercation with her husband. After the altercation Ms. traveled to her mother's residence, situated at West Virginia. Ms. called 9-1-1 and reported the domestic matter. Trooper First Class N. E. Higginbotham and Corporal C. S. Hartman, assigned to the Moorefield/Petersburg Detachment, responded to the residence to conduct an investigation.

Once at the residence, the Troopers initiated an investigation into the domestic altercation. Photographs of Ms. were captured depicting injuries she indicated were a result of the domestic violence, and Ms. information was obtained to complete a report of investigation. She was also instructed to seek a Domestic Violence Petition to prevent her husband from contacting her.

The investigation was assigned to Trooper Higginbotham, and he assisted Ms. in obtaining the DVP at Grant County Magistrate Court. He further assisted Ms. by obtaining her prescription medication from her husband and transporting it to her.

On September 2, 2017, Trooper First Class Higginbotham worked the evening shift and telephoned He indicated he needed to take some additional pictures of her injuries for the investigation report. Ms. was home alone at her mother's residence and Trooper First Class Higginbotham arranged to meet her at the residence.

Once at the residence, Trooper First Class Higginbotham obtained the photographs. He then had some conversation with Ms. and elected to

perform a "frisk search" of Ms. [redacted] for weapons. The search was performed in a manner indicating it was for sexual gratification, not for law enforcement officer safety. After performing the search, Trooper First Class Higginbotham departed the residence.

On September 5, 2017, Ms. [redacted] appeared at a hearing in regards to the Domestic Violence Protective Order. She was expecting Trooper First Class Higginbotham to appear and testify at the hearing in regards to the reported domestic abuse; however, Trooper First Class Higginbotham did not appear for the hearing. Ms. [redacted] was assisted by [redacted] a [redacted]

After the hearing, Ms. [redacted] informed [redacted] that Trooper First Class Higginbotham had "assaulted" her. Ms. [redacted] then described the circumstances surrounding the "frisk search" performed by Trooper First Class Higginbotham. Ms. [redacted] advised [redacted] that Trooper First Class Higginbotham [redacted]

She alleged he had [redacted] Ms. [redacted]

[redacted] explained she wished to keep the matter confidential, since she believed Trooper First Class Higginbotham was going to assist her in court.

On November 5, 2017, Trooper First Class N. E. Higginbotham was working the evening shift at the Moorefield/Petersburg Detachment. At the beginning of his shift, he visited the [redacted] and spoke to a female employee, identified as Ms. [redacted] was familiar with Trooper First Class Higginbotham from a previous traffic stop, in which she received a Uniform Traffic Citation, and from Trooper First Class Higginbotham frequenting her place of employment. Later in the evening, Trooper First Class Higginbotham again visited Ms. [redacted] as she was departing her place of employment. He confronted Ms. [redacted] as she was walking to her vehicle. Ms. [redacted] and Trooper First Class Higginbotham participated in a conversation, and then they both departed the [redacted] As Ms. [redacted] was traveling home, Trooper First Class Higginbotham began to follow her in his cruiser, and subsequently initiated a traffic stop on Ms. [redacted] During the traffic stop Ms. [redacted] removed her clothing, except for her top. Trooper First Class Higginbotham then reached into Ms. [redacted] vehicle and [redacted]

After the incident, Ms. [redacted] called 9-1-1 reporting to have been "raped" by Trooper First Class Higginbotham. Ms. [redacted] was instructed to travel to the [redacted] for an examination, and she would be met by Chief Deputy S. L. Wratford, of the Grant County Sheriff's Office. Ms. [redacted] complied, and was met by Chief Deputy Wratford. Deputy Wratford initiated an investigation into Ms. [redacted] allegation. Ms. [redacted] was alleging Trooper First Class Higginbotham followed her from her place of employment, and eventually executed a traffic stop on her. According to Ms. [redacted] Trooper First Class Higginbotham instructed her to remove her clothing. He also took her cellular telephone and viewed her private pictures and videos. After viewing the content on the cellular phone, Trooper First Class Higginbotham reached into Ms. [redacted] Deputy Wratford took [redacted]

a statement from Ms. [redacted] describing the sexual assault and initiated a criminal investigation. He further instructed Ms. [redacted] to document, or record, any communication she had with Trooper First Class Higginbotham.

On, or about, November 6, 2017, Trooper First Class Higginbotham made two (2) telephone calls to Ms. [redacted]. The content of the calls is vague, but it can be determined Trooper First Class Higginbotham is attempting to convince Ms. [redacted] to travel to the Moorefield/Petersburg Detachment for the purpose of engaging in a sexual encounter. Ms. [redacted] recorded both telephone calls and later provided them to Deputy Wratchford.

After receiving the recordings, Chief Deputy Wratchford contacted the Federal Bureau of Investigation and spoke with Special Agent David Rouser. Agent Rouser initiated a Civil Rights Violation investigation involving Trooper First Class Higginbotham. Upon doing so, Agent Rouser reported the matter to Troop 2 Commander, Captain E. D. Widmeyer, which resulted in this inquiry.

On November 28, 2017, Agent Rouser met with First Lieutenant K. M. Smouse to discuss his investigation. Agent Rouser indicated he had conducted interviews to include Ms. [redacted] and Trooper First Class Higginbotham. Agent Rouser briefed First Lieutenant Smouse on the content of each interview. He further indicated the facts indicate Trooper First Class Higginbotham [redacted] Ms. [redacted] on the November 5<sup>th</sup> traffic stop; however, the issue at hand is if she consented to the act.

On December 6, 2017, First Lieutenant Smouse interviewed Trooper First Class Higginbotham relative to this inquiry. Trooper First Class Higginbotham admitted to [redacted] on the November 5<sup>th</sup> traffic stop. Trooper First Class Higginbotham advised he [redacted]

However, Trooper First Class Higginbotham denies instructing Ms. [redacted] to remove her clothes, or taking her cellular phone. According to Trooper First Class Higginbotham, Ms. [redacted] was a willing participant in the act, and she encouraged the sexual contact. He also admitted to making the telephone calls to Ms. [redacted] after the incident, which was an attempt to arrange for a sexual encounter at the Moorefield/Petersburg Detachment.

On December 11, 2017, First Lieutenant Smouse interviewed Ms. [redacted] relative to this inquiry. She advised the day of the incident, when she arrived at work Trooper First Class Higginbotham parked in front of her, and waved her over to his car. Ms. [redacted] advised they had a conversation and then he left. She advised at 11:30 p.m. or 11:45 p.m. when she was leaving work, she noticed a State Police Cruiser in the parking lot where the employees park. Ms. [redacted] advised when she was leaving she spoke to Trooper First Class Higginbotham. She advised initially it seemed harmless, but when she departed work she noticed Trooper First Class Higginbotham was following her. Ms. [redacted] advised Trooper First Class Higginbotham "flipped his lights on" and pulled her over. She advised Trooper First Class Higginbotham approached her, took her license, and said "whenever I come back, have your clothes off." She advised at first she didn't take her clothes

off, but when he came back up to the car he told her to again to remove her clothing. Ms. [redacted] advised she took everything off except for her bra. She advised Trooper First Class Higginbotham [redacted]

She advised it happened twice, and each time the act lasted less than sixty (60) seconds. Ms. [redacted] advised the act ended when her boyfriend drove by the traffic stop. Ms. [redacted] advised she reported the matter to Grant Communications and later spoke to "Stevie Wratchford." Ms. [redacted] indicated she felt compelled to comply with Trooper First Class Higginbotham because she was on probation and didn't want to a chance of going back to jail.

On December 15, 2017, Agent Rouser received information from [redacted] indicating a few months ago a female had made allegations about being sexually assaulted by Trooper First Class Higginbotham during a "frisk Search."

On December 18, 2017, Agent Rouser identified the female making the allegations as [redacted]. Agent Rouser then contacted First Lieutenant Smouse and provided the information. He further advised the allegations were similar to the allegation made by Ms. [redacted]

On December 19, 2017, Agent Rouser informed First Lieutenant Smouse that there was no responsible avenue for charging Trooper First Class Higginbotham with a Federal Civil Rights Violation, and he believed this matter to be "an Internal Ethical Matter" to be handled by the West Virginia State Police.

On January 3, 2018, First Lieutenant Smouse telephoned and spoke with Ms. [redacted] relative to this inquiry. Ms. [redacted] explained she had moved to [redacted] and recently heard about a female making allegations involving misconduct on the part of Trooper First Class Higginbotham. She identified the allegations involved a sexual assault, and then advised "he did it to me" also. Ms. [redacted] then described the September incident involving Trooper First Class Higginbotham and the "frisk search."

According to Ms. [redacted], she had a domestic violence issue with her husband. She indicated when she reported the matter to get a DVP, Trooper First Class Higginbotham was the officer that assisted her. Ms. [redacted] advised after the initial incident Trooper First Class Higginbotham called her asking if she was alone, because he needed to take some more photographs. She advised, she was alone and staying at her mother's residence. Ms. [redacted] advised Trooper First Class Higginbotham came to the residence and took more photographs. She advised after taking the photographs, Trooper First Class Higginbotham began making flirtatious remarks indicating he wanted to engage in a sexual encounter. Ms. [redacted] did not show any interest in having a sexual encounter, at which Trooper First Class Higginbotham stated "well I'm in your home alone and I don't know if you have weapons on you and I'm going to need to search you." Ms. [redacted] described the search performed by Trooper First Class Higginbotham. She indicated Trooper First Class Higginbotham was [redacted]

Ms. [redacted] advised Trooper First Class Higginbotham [redacted]



Ms. [redacted] alleges Trooper First Class Higginbotham [redacted] She indicated she was able to get Trooper First Class Higginbotham off of her by "throwing my elbows into his vest." Ms. [redacted] advised Trooper First Class Higginbotham apologized and left the residence and she hasn't heard from him since. Ms. [redacted] advised she reported the incident to [redacted] and [redacted] whom are employed at the [redacted] She also indicated she spoke to her brother about the incident, who she identified as [redacted] Ms. [redacted] advised she didn't report the matter to Law Enforcement for investigation.

On January 4, 2018, First Lieutenant Smouse interviewed [redacted] and [redacted] at the [redacted] The information obtained confirmed Ms. [redacted] had previously reported the alleged "sexual assault" on September 5, 2017. The allegation made by Ms. [redacted] to [redacted] and [redacted] was similar to the allegation Ms. [redacted] made in the previous telephone conversation with First Lieutenant Smouse.

On January 5, 2018, First Lieutenant W. J. Bramer, Troop I Inspector, conducted an interview with Ms. [redacted] at Troop I Headquarters in Fairmont West Virginia. The information Ms. [redacted] supplied to First Lieutenant Bramer was similar to the information supplied First Lieutenant Smouse in the previous telephone conversation.

On January 9, 2018, First Lieutenant Smouse conducted an interview with Trooper First Class Higginbotham, and he was advised of Ms. [redacted] allegation. Trooper First Class Higginbotham admitted to touching Ms. [redacted] in a sexual manner; however, he advised the contact was consensual. According to Trooper First Class Higginbotham, "she got a little flirty and we started talking about that kind of stuff" and she "flashed me." He advised Ms. [redacted] consented to a search and he "patted her down." Trooper First Class Higginbotham stated he [redacted] and [redacted] Trooper First Class Higginbotham was advised the allegation was that he [redacted] Ms. [redacted] he advised [redacted] Trooper First Class Higginbotham advised [redacted] but was adamant he did not [redacted] First Lieutenant Smouse asked Trooper First Class Higginbotham if he had any reason to search Ms. [redacted] he replied "No." Trooper First Class Higginbotham admitted the search he performed was for sexual gratification, and had no relevance to the performance of his duties.

After the interview, Trooper First Class Higginbotham informed First Lieutenant Smouse that he wished to resign his employment with the West Virginia State Police.

The same date, First Lieutenant Bramer telephoned and spoke with [redacted] acknowledged [redacted] being the brother of Ms. [redacted] and confirmed she had previously spoken to him [redacted]

about the misconduct of Trooper First Class Higginbotham. advised what Ms. had previously reported to him, which was found to be similar to what Ms. alleged throughout this Inquiry.

#### CONCLUSION:

The allegations being made by Ms. and Ms. appear to be similar and involve a similar Mode of Operation and Motive. Both females allege Trooper First Class Higginbotham utilized his for his own sexual gratification. Both females also allege Trooper First Class Higginbotham used his authority to perform the sex act.

Trooper First Class Higginbotham acknowledged Ms. on a roadside traffic stop, as she alleged. He also acknowledged performing a "frisk search" of Ms. for sexual gratification; however, he denies Trooper First Class Higginbotham claims both sex acts were consensual; however, he acknowledged being on duty and acting in his official capacity during both sexual encounters.

It has been determined that reviewing the content of each interview conducted as a result of this Inquiry would lead a prudent and reasonable person to believe the allegations made by both females. Although some inconsistencies were identified in the fine details of each allegation, the crux of each allegation were consistent and supported by subsequent interviews.

The allegation that Trooper First Class Higginbotham engaged in dishonest or immoral conduct that undermines the effectiveness of State Police activities or employee performance, whether on or off the job is hereby **Sustained**.

The allegation that Trooper First Class Higginbotham took any action, which impairs the efficiency and/or reputation of the State Police or its employees is hereby **Sustained**.

The allegation that Trooper First Class committed conduct unbecoming; misconduct of a substantial nature affecting the rights and interests of the public, or that casts aspersions or doubt upon a law enforcement officer's honesty and/or integrity and that directly affects the rights and interests of the public is hereby **Sustained**.

The allegation that Trooper First Class Higginbotham violated any law or engaged in criminal conduct on or off the job, except actions that are considered Group I or II offenses is hereby **Sustained**.

The allegation that Trooper First Class Higginbotham interfered with the rights or property of others is hereby **Sustained**.

#### LIST OF EXHIBITS:

**Exhibit #1:** A one (1) page OLN Inquiry for and a four (4) page III Inquiry on Ms. The information was provided by Romney Communications Supervisor Brian M. Boley and is attached to this Inquiry.

**Exhibit #2:** Two (2) CAD Call For Service Reports, identifying calls for service associated with the name \_\_\_\_\_ obtained from the Romney Communications CAD Server. The information was provided by Romney Communications Supervisor Brian M. Boley and is attached to this Inquiry.

**Exhibit #3:** State of West Virginia Uniform Traffic Citation issued to \_\_\_\_\_ on September 4, 2017 by Trooper First Class N. E. Higginbotham. A copy of the citation was provided by Moorefield/Petersburg Detachment Secretary A. L. Rohrbaugh and is attached to this Inquiry.

**Exhibit #4:** Romney Communications CAD Server Unit Activity Logs of Trooper First Class N. E. Higginbotham for the dates of September 4, 2017 and November 5, 2017. The information was provided by Romney Communications Supervisor Brian M. Boley and is attached to this Inquiry.

**Exhibit #5:** Twelve (12) pages of documentation indicating Trooper First Class Higginbotham had requested a Driver's License and III, Criminal History Inquiry, on Ms. \_\_\_\_\_ on September 4, 2017, at 1638 hours. The information was provided by Romney Communications Supervisor Brian M. Boley and is attached to this Inquiry.

**Exhibit #6:** One (1) CD-R containing the recorded telephone conversation of \_\_\_\_\_ and First Lieutenant K. M. Smouse on November 30, 2017. The CD-R is attached to this Inquiry.

**Exhibit #7:** An eleven (11) page statement of \_\_\_\_\_ taken by Grant County Chief Deputy Steven L. Wratchford on November 6, 2017. This information was provided by Chief Deputy Steven L. Wratchford on December 1, 2017 and is attached to this Inquiry.

**Exhibit #8:** A three (3) page CAD Detail, bearing Incident \_\_\_\_\_ documenting the information \_\_\_\_\_ provided to Grant County 9-1-1 Communication on November 6, 2017, at 0110 hours. The CAD Detail was provided by Chief Deputy Steven L. Wratchford on December 1, 2017 and is attached to this Inquiry.

**Exhibit #9:** One (1) CD-R containing the 9-1-1 call placed by \_\_\_\_\_ to Grant County Communications on November 6, 2017, at 0110 hours. The CD-R was provided by Chief Deputy Steven L. Wratchford on December 1, 2017 and is attached to this Inquiry.

**Exhibit #10:** One (1) CD-R containing the interview of Trooper First Class N. E. Higginbotham, conducted by First Lieutenant K. M. Smouse on December 6, 2017. The CD-R is attached to this Inquiry.

**Exhibit #11:** WVSP Form 173, West Virginia State Police Administrative Warning, bearing the signature of Trooper First Class N. E. Higginbotham, dated December 6, 2017. The WVSP Form 173 is attached to this Inquiry.

**Exhibit #12:** One (1) CD-R containing two (2) telephone calls made by Trooper First Class N. E. Higginbotham to, and recorded by on, or about, November 6, 2017. The recordings were provided by Chief Deputy S. A. Wretchford and are attached to this Inquiry.

**Exhibit #13:** One (1) CD-R containing the recorded interview of conducted by First Lieutenant K. M. Smouse on December 11, 2017. The CD-R is attached to this Inquiry.

**Exhibit #14:** West Virginia State Police Release of Medical Information and four (4) pages of Medical Records pertaining to November 6, 2017 visit to the The records were provided by and are attached to this Inquiry.

**Exhibit #15:** One (1) CD-R containing the recorded interview of conducted by First Lieutenant K. M. Smouse on December 12, 2017. The CD-R is attached to this Inquiry.

**Exhibit #16:** One hundred and three (103) pages of Facebook messages obtained from Ms. Facebook account in the year 2015. The information was provided by Corporal C. S. Hartman and is attached to this Inquiry.

**Exhibit #17:** A three (3) page NCIC III inquiry and result, pertaining to the Criminal History of The information was provided by Romney Communications Supervisor Brian M. Boley and is attached to this Inquiry.

**Exhibit #18:** A two (2) page CAD Call For Service Detail Report, documenting a report of Domestic Violence made by on August 28, 2017. The information was provided by Romney Communications Supervisor Brian M. Boley and is attached to this Inquiry.

**Exhibit #19:** Criminal Investigation report Domestic Battery, investigated by Trooper First Class N. E. Higginbotham on August 28, 2017; Criminal Investigation report investigated by Senior Trooper S. A. Nazelrod on November 23, 2010; Criminal Investigation report investigated by Senior Trooper S. A. Nazelrod on November 22, 2010. The information was provided by Moorefield/Petersburg Detachment Secretary, Audrey L. Rohrbaugh, and is attached to this Inquiry.

**Exhibit #20:** One (1) CD-R containing the telephone conversation of and First Lieutenant K. M. Smouse, on January 3, 2018. The CD-R is attached to this Inquiry.

**Exhibit #21:** One (1) CD-R containing the interview of conducted by First Lieutenant K. M. Smouse on January 4, 2018. The CD-R is attached to this Inquiry.

**Exhibit #22:** One (1) CD-R containing the interview of \_\_\_\_\_ conducted by First Lieutenant K. M. Smouse on January 4, 2018. The CD-R is attached to this Inquiry.

**Exhibit #23:** Seven (7) pages of Trooper First Class Higginbotham's Unit Activity Logs, from August 28, 2017, through September 5, 2017, retrieved from the Romney Communications CAD Server. The information was provided by Romney Communications Supervisor Brian M. Boley and is attached to this Inquiry.

**Exhibit #24:** One (1) CD-R containing the interview of \_\_\_\_\_ conducted by First Lieutenant W. J. Bramer on January 5, 2018. The CD-R is attached to this Inquiry.

**Exhibit #25:** One (1) CD-R containing the interview of Trooper First Class N. E. Higginbotham, conducted by First Lieutenant K. M. Smouse on January 9, 2018. The CD-R is attached to this Inquiry.

**Exhibit #26:** WVSP Form 173, West Virginia State Police Administrative Warning, bearing the signature of Trooper First Class N. E. Higginbotham, dated January 9, 2018. The WVSP Form 173 is attached to this Inquiry.

**Exhibit #27:** One (1) Letter "Through Channels" compiled by Trooper First Class N. E. Higginbotham, requesting his resignation from the West Virginia State Police effective January 9, 2018; One (1) Letter "Through Channels" and WVSP Form 16, Exit Interview, completed by Sergeant W. M. Roden on January 9, 2018; and Special Order Number 2018-024 documenting the resignation of Trooper First Class N. E. Higginbotham effective January 9, 2018, at 1600 hours.

**Exhibit #28:** One (1) CD-R containing the audio statement of \_\_\_\_\_ obtained via telephone by First Lieutenant W. J. Bramer on January 9, 2018. The CD-R is attached to this Inquiry.

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